NORTH AMERICAN REVIEW.

No. LIII.

NEW SERIES, NO. XXVIII.

OCTOBER, 1826.

ART. I.—1. *Military Laws of the United States, to which is prefixed the Constitution of the United States. Compiled and published under Authority of the War Department.* By TRUEMAN CROSS. Washington, 1825. 8vo. pp. 279.

2. *Documents from the Department of War, accompanying the President's Message to Congress at the Commencement of the First Session of the Nineteenth Congress.* Washington, 1825. pp. 92.

THE volume, whose title we have prefixed to this article, contains a complete code of our army legislation, from the commencement of the government, down to the present time. As this code exhibits the best history of our military policy, which can be attained, we have thought that a rapid review of the various acts it embraces would be neither uninteresting nor uninstructive. The mere fact, that our military establishments have been the result of popular legislation, has a novelty in it, which should command attention. In the older countries of the world, the army forms an essential part of the royal authority, and is often augmented or diminished without reference to the wishes, ability, or wants of the people.

Our venerable fathers, in framing the constitution of the United States, reversed the principles upon which military establishments had been founded for ages. They acted upon the

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conviction, that the power of declaring war, and of creating the means of defence and offence, those high attributes of sovereignty, upon the due exercise of which depend the welfare and often the existence of nations, should reside with those, who have the deepest interest at stake, and who are the least likely to abuse it. Accordingly they placed it in the hands of the representatives of the people, that so the military force of the country, instead of being the creature of an arbitrary and irresponsible will, should be the offspring of the same popular and deliberate legislation, which originates every other measure connected with the general good.

Jealousy of military power has ever been a practical feeling in this country. Its influence was felt by the colonies, and was among the exciting causes of the Revolution; and it required all the difficulties, and even occasional desperation of the struggle, to restrain it from embarrassing all the measures of the war. The continental Congress, it is true, standing on high and central ground, and comprehending the full responsibility of the cause it was directing, often gave signal proofs of an elevation above all narrow prejudices, when the fate of that cause was in jeopardy; and once or twice confided to General Washington an almost dictatorial power.

The war of the Revolution ended in 1783. In April, 1785, the military establishment of the United States was fixed at one regiment of infantry, and two companies of artillery, or about 800 men. Thus the nation, two years after a protracted and exasperated struggle with one of the most powerful kingdoms of Europe, while most important relations were still unsettled, and with a host of unquiet and formidable neighbors upon its interior frontiers, whose excited spirits could not subside into peace, like those of more civilized nations, at the bidding of a treaty, stood nearly divested of every means of organized defence. While we recognise a strong cause of this abandonment of self protection, in the exhausted condition of the country, we may likewise discern in it that cautious policy, pushed somewhat to an extreme, which regarded soldiers as useless and even dangerous, when not required for immediate service.

About two years after this period, the military establishment was augmented by 700 men, and remained thus until 1790, when, under the new constitution, it was fixed at one regiment of infantry, and one battalion of artillery, embracing 1216 men. The President was at the same time authorized to call into service

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such militia, for the defence of the frontiers, as he might deem necessary. In 1791 the establishment was again increased by the addition of another regiment of infantry, and the President was empowered to raise 2000 *levies*, as they were termed, in lieu of the militia he had before been authorized to call out. In 1792, the infantry was still further augmented by three additional regiments, one of which was so organized, as to embrace a squadron of four troops of light dragoons. In 1794 eight hundred men were added to the artillery, which was thenceforward to be styled the Corps of Artillerists and Engineers. These several additions to the establishment fixed in 1790, formed a force of about 6000. They who are familiar with the history of those times, will recollect, that it was a period of constant and increasing hostility with the Indians, who, as we have before remarked, did not bury the tomahawk, at the general pacification which terminated the Revolution. Our frontiers were drenched with the blood of our unprotected settlers. General Washington, then President, at each session of Congress, reiterated his strong and eloquent representations of these barbarities, and urged the necessity of investing the Executive with power to protect the defenceless and chastise the aggressors. But a distrustful and improvident policy, which seemed to perceive no danger so great, as that which might arise from placing an army at the disposal of the Executive, dealt out the means of defence with such a sparing hand, that it was not until one or two abortive campaigns, and two or three defeats, marked with unprecedented carnage, showed the irresistible necessity of more liberal and vigorous measures, that the President was enabled to bring the war to a successful close. But it was not from the Indians alone that we at that time had danger to apprehend. Our seaboard was not secure from insult; and the angry recrimination, which then marked our negotiations with Great Britain, whose navies governed the ocean, admonished us that we were too vulnerable on that frontier. The President was accordingly directed by the act of March, 1794, to fortify the principal ports on the coast. Twenty different points were indicated by the act, among which, it appears, 350 pieces of ordnance were to be distributed. The President was about the same time directed to establish three or four arsenals, with magazines and armories connected with them.*

* There are now in the United States, two national armories, and

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In May, 1796, the military establishment was again fixed, embracing the corps of artillerists and engineers, two companies of light dragoons, and four regiments of infantry, or about 3000 men. This establishment continued the same throughout the remainder of General Washington's administration. Mr Adams came to the presidency amid the growing troubles with France, and his administration was marked from its commencement to the termination of these troubles, with frequent and extensive augmentations of the military force. The alarm of the nation was doubtless great; and the confidence of Congress in the Executive appears to have been in proportion. It was a striking conversion from the chary and mistrustful policy of 1792 and 1793, when an enemy, covering our very thresholds with slaughter, could induce only tardy and scanty measures of defence, to the confiding liberality of this period, when, in order to resist an enemy, not yet openly declared, and separated from us by the Atlantic, the nerve and strength of the nation were placed at the disposal of the Executive.

In April, 1798, an additional regiment of artillerists and engineers was raised; and in the following month, the President was invested with power to raise, during the recess of Congress, 10,000 men for the term of three years, and to accept of any company or companies of volunteers, which might be offered for service. The latter clause would appear to have conferred a power commensurate with the force of the entire militia, provided the spirit of volunteering had prevailed to that extent. About one year after this, the President was conditionally authorized, in the language of the act, ' to organize and cause to be

eleven national arsenals. The armories are at Springfield, Massachusetts, and at Harper's Ferry, Virginia. The arsenals are at Watertown, Massachusetts; Watervliet and Rome, New York; Baltimore, Maryland; Washington, District of Columbia; Richmond, Virginia; Augusta, Georgia; Frankford and Pittsburg, Pennsylvania; Baton Rouge, Louisiana; and Detroit, Michigan Territory. Arms and accoutrements are manufactured at the two armories, 79,259 of the former having been made in the course of the last three years. Accoutrements, gun carriages, &c. are made at many of the arsenals, while some of them are used merely as depots. There are no public founderies for ordnance, the supply being obtained by contracts from private founderies, of which there are a sufficient number in the United States to answer all demands. Lead is obtained in ample quantities from the public mines.

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raised,'* an additional military force, to consist of twentyfour regiments of infantry, one regiment and one battalion of riflemen, a battalion of artillerists and engineers, and three regiments of cavalry. The same act limited the number of volunteers which could be accepted by the President under the indefinite act of 1798, to 75,000. The amount of force, including regulars and militia, which the several foregoing acts empowered President Adams to raise, under certain exigencies, supposed no doubt to exist, considerably exceeded 100,000 men.

The difficulties with France were adjusted in 1800, when this formidable army was reduced to four regiments of infantry, two regiments of artillerists and engineers, and two troops of light dragoons. Again, in 1802, under the pacific auspices with which Mr Jefferson had begun his administration, the military establishment was still further diminished, being fixed at one regiment of artillerists, two regiments of infantry, and a corps of engineers, or about 3,000 men. By the same act, the engineers, being formed into a separate corps, were stationed at West Point, and made to constitute a military academy, thus laying the foundation of that excellent institution, which is now flourishing with so much credit and usefulness to the country. We shall not now pause to indulge ourselves in such remarks, as this allusion to its origin might naturally suggest.

No change was made in the force of the military establishment from 1802 till nearly the close of Mr Jefferson's administration. In April, 1808, our disputes with Great Britain having become aggravated by several incidents, which particularly affected the interest and honor of the country, an additional military force was authorized, to consist of five regiments of infantry, one regiment of light artillery, and one regiment of light dragoons, augmenting the establishment already on foot by about 6000. The act creating this augmentation, contained a clause, which required that every officer, appointed under it, should 'be a citizen of the United States, or,' as it adds with superfluous precision, 'one of the territories thereof.' Previously to this time, many foreigners had been introduced into our service, some of whom, it is believed, had not even taken the oath of allegiance. The recruiting under this act was suspended about a year after-

* The inversion of phraseology here exhibited, is one among the many proofs, which might be selected, to show the great looseness of the language used in our military legislation.

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ward, in consequence probably of the arrangement with Mr Erskine, the British minister, and was not renewed, although this arrangement was soon disavowed and annulled, until within about six months before the declaration of war. Shortly after this renewal, early in 1812, Congress passed an act, authorizing an additional military force of 25,000 men, to consist of ten regiments of infantry, two regiments of artillery, and one regiment of light dragoons. In the beginning of 1813, twenty additional regiments of infantry, or 20,000 men, were authorized; and in the beginning of 1814, three additional regiments of riflemen. No further augmentations were made to the regular force during the war.

It would appear from the foregoing acts, that the nominal regular force on foot, during the war of 1812, was between 60,000 and 70,000. It is not probable, however, that the establishment ever approximated to an efficient fulness. The recruiting service held out powerful inducements to enlist, the bounties having been enlarged, until the recruit, besides his monthly pay of eight dollars, was offered fifty dollars when enlisted, an additional fifty when mustered, and twentyfour dollars and 320 acres of land at the expiration of his term of service; and we believe there was no want of men; but the pressing exigencies of the war, transferring the raw soldier immediately from the rendezvous to the scene of action, left no time for the operation of that preliminary discipline, which gives cohesion and permanency to a body of men. Hence battalions, which marched from the rendezvous complete as to numbers, before they reached the frontiers were often reduced to meagre detachments.

Peace was ratified with Great Britain in February, 1815; and among the subjects which first engaged the attention of Congress, was that of reducing the army to the proper standard of peace. Accordingly, on the third of March following, the military establishment was fixed at 10,000 men. Again, in 1821, it was still further reduced, being diminished to 6000, which is the number on foot at the present time.

Such is a brief sketch of the legislation, which has affected the numerical force of our army, from the commencement of our government. It is a dry statement, but it suggests some interesting reflections. The manner in which the country threw off its armor at the close of the Revolution, and stood among the nations of the earth, probably a solitary instance, without any organized means of defence; although it bore the sem-

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blance of a high degree of self confidence and moral energy, yet was doubtless more the result of a weak and exhausted government, and of a deep rooted aversion to military establishments in time of peace, than of any sound calculations of economy, or just notions of national defence. The wisdom of that enlightened period could not have been deluded by a belief, that the causes of hostility among states had ceased to operate upon earth, or that the mere reputation of having struggled, however nobly, for independence, would be a sufficient panoply of strength. We soon had abundant proofs, that we were liable to collisions and injuries. But it required time and experience to correct that tendency to extremes, which marked many of the strong and salutary prejudices of the Revolution. Perhaps a more imposing array of national defence might not have averted the troubles which gathered about us; but we may be allowed to suppose, that manifestations of greater vigor, and an attitude more likely to command respect, would in some degree have restrained that spirit of insult and aggression, which visited us with wrongs from the close of the Revolution down to the late war.

The reluctant and tardy grants of military force, during the administration of General Washington, may be said to have cost the nation much blood and treasure; and to have inculcated a lesson, which appears to have reached with great force the policy of the succeeding administration. We have already had occasion to remark upon the liberality, with which Congress called out the force of the nation under President Adams; and there is no doubt that this liberality produced a new reaction on the policy of his successor, who came into power over the prostrated and unpopular measures, which had distinguished this agitated and eventful administration. Mr Jefferson's policy was preeminently pacific. The small military establishment fixed in 1800, was still further reduced in 1802; and the system of Mr Jefferson's measures appears to have aimed at practically proving, that the objects usually sought for by an appeal to arms, could be attained short of that *ultima ratio regum*. But this illustrious republican calculated too largely upon a self denying patriotism, which probably never existed in any nation. Had his expanded and philanthropic designs been faithfully seconded by every class of citizens, the final result, as it respects the security of rights and the redress of wrongs, might have been as favorable, as that which followed the subsequent war. To have severed all connexion with the belligerents of Europe, and with-

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drawn for a season from the ocean, would have involved immense sacrifices of national wealth; but the alternative of war could hardly encourage a hope of less sacrifice, independent of the waste of human lives. As the experiment failed, it was doubtless an injury to the country. It did not avert, it only postponed a war, while it greatly diminished the resources essential to its prosecution. Besides, it may be questioned whether, among the jostling nations of the earth, such a noncombatant system ever can be successful. The nation, that should always be found, as soon as belligerent conflicts begin to trouble the ocean, abandoning all the pursuits of commerce, rather than defending them by the sword, would, we apprehend, become the common mark of insult and cupidity. Prudence would be mistaken for pusillanimity, and, in the end, either the ocean must be abandoned, or the common right there maintained in the usual way. There is no axiom better settled, than that a nation, in order to prosper, must be respected; and, in order to be respected, it must be determined and prepared to defend itself.

The want of due preparation, before the commencement of the last war, has been the subject of much animadversion. If the preparation to meet the anticipated conflict of 1799, under Mr Adams, was more than commensurate with the danger, that for the war of 1812 would seem to have fallen into the other extreme. And there was less excuse in the latter case, as the time of opening hostilities was chosen by ourselves. We are not unmindful of the often alleged unfitness of a government, constituted like ours, for prompt and efficacious preparation for war. Compared with monarchical governments, it is, in these respects, far behind; and it is no doubt true, that in proportion as a government recedes from despotism, it loses in a degree its military efficiency. But this applies to preliminary movements, and more particularly to the power of masking them from the public, than to operations subsequent to declared hostilities. It is certain, that nothing can be done secretly in this country, and we could never expect to find an enemy unaware of our force and general intentions; but we can perceive no obstacle to any extent of open preparation. At the crisis we allude to, every fort could have been forewarned of the expected contest, and prepared to meet it, as we had a respectable force on foot, well officered and disciplined. Both upon the maritime and interior frontier, the rust of a long peace could have been rubbed off, and a spirit infused into the garrisons, suited to the approaching

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change. But we believe the newspapers alone conveyed to the army the signs of the times, and that every post rested in undisturbed repose, until awakened by the President's proclamation of war, perhaps conveyed through the same channel, or communicated by the enemy in a summons to surrender.

The military establishment recommended by the Executive, at the peace of 1815, to be reserved out of the army then on foot, was 20,000 men. It will be recollected, that the war had disturbed nearly all the Indian tribes on our interior frontier; and that, through the agency of the British, or from their native proneness to war (the United States having at first refused to accept their services), most of them were actively engaged against us. The peace with Great Britain had only nominally pacified many of her red allies, and it was believed, that nothing but an imposing force in their neighborhood would restrain them within the bounds of peace. Under these considerations, the above force was not deemed too great for the security of the country. But Congress determined that half this number would be sufficient; and the result has not proved that their estimate was wrong.

In 1821, our relations with the Indians, as well as with the European nations, having become settled, and confirmed by a peace of some duration, the same authority determined, that 6000 men were an establishment adequate to answer all the demands of the public service, simplifying the organization by suppressing the light artillery and riflemen, corps which served rather to diversify, than to improve our means of defence. This establishment, although small for our widely extended frontier, is probably sufficient for the purposes of peace, and may be made to embrace within itself the power of expansion, to meet even the exigencies of war. In 1812, we had a force on foot of about the same numbers as at present, many of the officers of which had been in commission since the formation of the government, and most of them had the experience of some years' discipline. Had an additional force been ingrafted on this establishment, thus diffusing the existing science and practice throughout the whole mass, we should no doubt have begun hostilities with greater chances of success. Our present army is susceptible of great enlargement, without any increase of regimental officers, or losing much of its immediate efficiency.

But an additional army, organized in any manner, would not now be subjected to the disadvantages which existed in 1812.

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At that time it may be said there was no established system either of tactics, discipline, or administration. Steuben's work, the manual of the Revolution, had been suffered to sink into disuse, and its place had been supplied by such a selection from more modern systems, as suited the taste or caprice of any officer. And the regulations were *lex non scripta*, founded only in usages, or orders, which were no longer accessible. Thus the officers of new regiments raised in 1812 were left almost entirely to conjecture, as to every point of duty. Two attempts were made early in the war to introduce new systems of infantry tactics, both of which appear to have been only partially successful. A resolution passed Congress early in 1813, 'requiring a military system of discipline for the infantry of the army and militia of the United States' to be prepared. A board of officers was constituted, which compiled a system of *Infantry Tactics*, from the most modern and approved works, which was adopted, and has since been the guide of the army.* But this was not supplying all the desiderata of the army. The artillery, a most important branch of our national defence, was, and, it is believed, always had been, without any established guide; and, as we have before remarked, there was no system of police and general regulations. Both these deficiencies were supplied in 1821. A Treatise on Artillery, by General Lallemand, an officer of distinguished reputation from the French service, was then adopted by the President for the service of the United States; and during the same year, a *System of General Regulations* was compiled by Major General Scott, from the French and English services, which has since been enforced throughout the army. The circle of systems for the various branches of our service may now be considered complete, and, whatever may be their minor defects, they must, if properly enforced, produce uniformity and comparative efficiency.

In looking over these Military Laws, it is impossible not to be struck with the want of regularity and congruity, which prevails throughout our army legislation. There are scarcely any two laws, although they have precisely the same objects in view, which are alike. This irregularity is particularly conspicuous in everything that relates to organization, in which, above all other things connected with the army, a sameness, so far as is compatible with the service, should be preserved. If it were a crude sub-

* This system was revised in 1824.

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ject, on which innovation might exercise its caprice, in the hope of improving upon the past, there would be a better excuse. But the orgaization of companies, regiments, brigades, divisions, &c. has been long settled by experience, and in all its essential parts has taken a permanency of character, which will probably not be materially changed as long as the present mode of arming troops obtains; and any *uniform* organization, which adheres to established principles, is good. In illustration of the foregoing remarks, it is only necessary to cite the history of any one corps. For instance, the following are the mutations and permutations of the artillery. In 1790, it was organized as a battalion of four companies, commanded by a major; in 1794, it was enlarged, became denominated the corps of artillerists and engineers, and had one lieutenant colonel, four majors, and sixteen captains; in 1798, another regiment was added, having however only three battalions; in 1799, a battalion was added; in 1802, the whole was consolidated into one regiment, having one colonel, one lieutenant colonel, four majors, and twenty captains, the engineers forming a separate corps; in 1812, two additional regiments were raised, differing from the one already on foot, in having two lieutenant colonels each, and only two majors; in 1814, it again changed its form, and became a corps, having six lieutenant colonels, six majors, and fortyeight captains; and again in 1821, it underwent its last transformation, being once more arranged into regiments after the usual mode.

We do not pretend to determine which of the various organizations exhibited in the course of these shiftings was the best, but we presume an adherence to the principles of any one of them, would have been preferable to such capricious changes; and we certainly can see no excuse for allowing different parts of the same corps to present the absurdity of dissimilar organization. The increase and the diminution of an army are perfectly feasible, without disturbing the principles of uniformity. Forbearing to adduce the instance of other corps, which exhibit nearly the same incongruities, we will only advert to the general organization of the army at the beginning of the late war. To pass over the artillery, of which we have already spoken, we had two regiments of light dragoons, one of them consisting of one colonel, one lieutenant colonel, one major, and eight captains; the other, of one colonel, two lieutenant colonels, two majors, and ten captains. In the infantry, there were seven regiments, each having one colonel, one lieutenant colonel, one

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major, and ten captains; and ten other regiments, each of which had one colonel, two lieutenant colonels, two majors, and eighteen captains. This discordant and unmanageable organization was corrected in some degree, a few months afterwards, by dividing the unwieldy regiments of the new establishment. It is difficult to account for such eccentricity of legislation, except by supposing that, in framing a new act, no reference was ever made to older acts; or, that harmony of organization was deemed of too little moment to merit attention. It has been considered important to the effective cooperation of the militia with the regular troops, that the former should assume an organization as conformable as possible with that of the latter. But which of the Protean shapes, in which our army has appeared throughout the last thirty years, should we expect the militia to adopt?

Much the same animadversions could justly be applied to all the other branches of our army legislation. No fixed rules or established principles appear to have been adopted in any case. And we were not without standards and precedents, for the war of the Revolution had introduced the most approved modes of military service, and ingrafted them upon our country. Baron Steuben was a thorough bred disciplinarian of the Frederick school, and through his useful agency, and by an association with the French army, the best practices of Europe had become familiarized to General Washington's army. Many improvements have been made since that period; but these relate to armament and evolutions, rather than to organization. The division and subdivision of troops, best suited to their mobility and the convenience of command, the proportion of officers, and their relative rank, the separation and arrangement of staff duties, have all remained essentially the same.

A consideration of the foregoing subjects naturally leads our attention to the present *system of fortifications*, which is essentially connected with the army. At the beginning of the Revolution there were but few fortifications upon our maritime frontier. Castle William, in Boston harbor, was doubtless in good condition when it fell into our hands; and it was probably the only work, that could be of much service to us, for which we were indebted to the mother country. Early in 1776, the necessity of an increased maritime defence was felt by the continental Congress, and in March of that memorable year, a committee was appointed, 'to consider of the fortifying one or more posts on the American coasts, in the strongest manner, for the

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protection of our cruisers and the reception of their prizes.' We have not ascertained which of the humble works, that afterwards became distinguished for the gallant defences made in them, were erected in pursuance of this resolve. It is not probable that many of them remained at the close of the war, or if they did, that they could be regarded as any security to our coast. Before the peace, the British had made their way into every important harbor of the United States, except Boston; and that place was probably indebted for its protection, more to the temporary presence of the French fleet, than to its castle, or even to its celebrated heights, where the hasty works had

'Wove like a diadem their tracery round.'

Our seaboard continued in this naked condition until the year 1794, when acts were passed by Congress, directing the principal ports in the United States to be fortified 'under the direction of the President, at such time or times as he might judge necessary.' There is a peculiar feature in these acts, which shows the scrupulous precision with which power was meted out to the Executive in those days. Each of them specifies, with an explicit minuteness, which implies that the power was not deemed to result as a matter of course, that the President should be authorized 'to employ, as garrisons, in the said fortifications, or any of them, such of the troops on the military establishment of the United States, as he might judge necessary.' The act likewise specifies the quantity and even the calibre of the ordnance, and the number of shot to be provided.

We do not know what works were immediately undertaken in execution of these acts, but, as the first appropriations for this purpose appear not to have been made until about three years afterwards, it is not probable that much was done previously to that time. The more modern mode of legislation in such cases, which begins with an appropriation, seems not then to have been adopted. The amount of the appropriation made at the time alluded to, and the year following, to fulfil the projected plan of fortifying twenty different harbors, or inlets, was three hundred and sixtyfive thousand dollars, being about the cost of some one of the forts belonging to the present system. The residue of the funds was to be supplied by debts due to the United States from individual states, which were to be credited for such labor as they might perform upon works erected for their own defence, provided that the expenditure did not exceed the balance

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found and reported against the respective states. Through these united means a few imperfect and perishable works were erected, for the protection of the principal seaports.

The subject of fortifications does not appear again to have attracted the attention of Congress, until after the lapse of ten years, during which time our country had suffered severely in its wounded interests and wounded honor. In the beginning of 1808, an appropriation of one million of dollars was made, to enable the President to repair and finish such works, as had already been completed or begun, and to erect such others, as might be necessary, in the language of the act, to 'afford more effectual protection to our ports and harbors, and preserve therein the respect due to the constituted authorities of the nation.' Under this act, most of the harbors in the United States, of any importance, became fortified. There was much energy and promptitude in the execution of these works, and, as they had been deferred until the moment of urgent necessity, such despatch was indispensable. But the system was probably defective in proportion to this despatch. Time and deliberate calculation are perhaps more requisite in establishing a system of permanent defence, than in any other connected with the welfare of a nation. Haste is utterly incompatible with such a system, which should be founded upon previous surveys, comprehensive and minute, and executed in the most skilful and careful manner. At this time, no general survey of our coast, with a view to a system of defence, had been made. In most instances, such sites were occupied, as had been selected for such purposes in former times. In other cases, slight local examinations determined the choice. These works were generally planned without much regard to the rules of fortification, and constructed of perishable materials. They are now mostly in a state of dilapidation, or have been kept from falling into that state, by frequent and expensive repairs.

There may be many causes assigned for the defects of the system of 1808. It was adopted at a time when probably a two-fold object was in view, that of defending the coast against an enemy, and that of enforcing a series of restrictive measures, which were then operating upon ourselves. Guided by the latter consideration, many works were perhaps erected, which would not have entered into a mere system of external defence. The sum appropriated, likewise, although considerable, yet when divided among so many works, left but a small portion for each.

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There was an urgent necessity, however, that the works should be completed; and of course each was made to correspond, not to the natural demands of the site, or the importance of the place to be defended, but to that portion of the million which fell to its share.

But these works, imperfect and insufficient as they were, afforded much protection to the country during the subsequent war. Few of the harbors, which had these defences, were entered by the enemy. Spoliations and conflagrations, which might else have visited our principal towns, were generally confined to weak and insignificant villages. The same war likewise developed our other vulnerable points, as well as showed the utility of strengthening those, whose slight defences had already proved so beneficial. Under the influence of this experience, soon after peace had been established, a plan of surveys was settled and put in operation, embracing a complete examination of the coast, so far as it could enter into a general system of national defence. Each harbor and bay was accurately and deliberately explored, in regard to its capacity for defence both by land and water; all the advantages and disadvantages of localities attentively compared; the magnitude of both the immediate and remote interests to be protected was brought into consideration; and afterwards, the whole combined into one view, in order to produce a general result.

Upon these surveys and calculations a general system of national defence was formed, which was submitted to Congress in 1819–20, and, after a thorough discussion of its merits, approved. An immediate appropriation was made for its commencement. The number of works proposed to be erected, their position, their dimensions, and probable cost, have all repeatedly been before the public. The reports of the engineers, however, in all their details, although laid before Congress, have never been published. They appear to have been accessible to those, who are called upon to give the system legislative support; but it has been determined, that they contain much information, which ought not to be spread before the public at large. There can be no mystery with respect to the number and sites of public works, nor could the power of their armament long be concealed; but there are many other facts connected with a fortification, such as the most accessible points of approach, the nature and resources of the surrounding country, having relation to the attack and defence, which are ascertained only by such topographical

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surveys and minute calculations, as men of professional skill and experience alone can make, and which would be invaluable to an enemy, that common prudence would withhold from publicity. From such parts of these reports as have been published, we are able to gather the main results. We cannot better present the full scope of them, than by giving the following extracts.

'A defensive system for the frontiers of the United States is therefore yet to be created; its bases are first, a navy; second, fortifications; third, interior communication by land and water; and fourth, a regular army and well organized militia; these means must all be combined so as to form a complete system.'

'The navy must, in the first place, be provided with proper establishments for construction and repair, harbors of rendezvous, stations and ports of refuge. It is only by taking into view the general character, as well as the details, of the whole frontier, that we can fix on the most advantageous points for receiving these naval depots, harbors of rendezvous, stations, and ports of refuge.'

'On these considerations, Burwell's Bay, in James river, and Charlestown, near Boston, have been especially recommended by the commission, as the most proper sites for the great naval arsenals of the South and of the North. Hampton Roads and Boston Roads as the chief rendezvous, and Narraganset bay as an indispensable accessary to Boston Roads.'

'It is also from an attentive consideration of the whole maritime frontier, of the interior, and of the coastwise navigation, that Mobile bay, on the gulf of Mexico, St. Mary's, in the Chesapeake, the Delaware, New York bay, Buzzard's bay, New London, Marblehead, Portsmouth, Portland, the mouths of the Kennebec and Penobscot, and Mount Desert bay, have been fixed upon as stations and ports of refuge; as necessary and essential to our merchant vessels as to our navy.'

'Smithville and Beaufort, North Carolina; Annapolis, Maryland; New Haven, Connecticut; Salem, in Massachusetts; and Wiscasset, have likewise been examined with attention, with a view to secure them from attack by sea and land.'

'St Mary's river and Savannah, in Georgia; Beaufort, Charleston, and Georgetown, in South Carolina, will be examined in the course of the year.'*

From these extracts it will appear, that the system is founded upon full surveys, and the most comprehensive considerations.

* Engineer Reports, presented to Congress in 1819, 1820, and 1821.

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It is in the strictest sense a general and national system of defence; and the public may now feel an assurance, that all future expenditures will be applied in the most beneficial manner which science and experience can devise, in fulfilment of this system. The works are in a course of gradual completion, their progress being regulated by the resources of the country, and the necessity of a careful and proper execution. It is a season of peace, and there is no urgency for greater despatch than is compatible with these limitations.

By the documents whose title we have prefixed to this article, it is seen that the works proposed by the plan are divided into three classes, corresponding with their immediate and more remote importance. The works embraced in the first class, which are recommended to be commenced as soon as possible, and to be completed as fast as the resources of the country will admit, appear to be twelve in number; those of the second class, which are recommended not to be commenced until a later period, probably not until those of the first class are completed, are twenty in number; the third class embraces seven works, to be postponed to a still more remote period.* Some of the works embraced in the first class have already been finished, and others are in the progress of construction. They are intended to protect the principal seaports and avenues of the country; they constitute the cardinal points of defence, including Boston, Newport, New York, the river Delaware, the Chesapeake, Mobile, and the mouths of the Mississippi. Some works in North Carolina, by the decision of Congress, and not, it appears, by the recommendation of the board of engineers, belong to the same class.

The Delta of the Mississippi, being almost destitute of defence, and concentrating, as it were, the commercial interests of the numerous and populous states, which are watered by the wide spread arms of this mighty river, was among the earliest objects of attention. The work on Mobile point, forming a subsidiary part of the same defence, was of contemporaneous commencement. The importance of securing this extreme and vulnerable point of our Union, was suggested by every sound consideration, and not a little strengthened by recollections of

* In the Revised Report of the Board of Engineers in March last, a *fourth class* is proposed, 'containing such works as will be necessary only conditionally.'

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the late war, when invasion approached that quarter with no fear of repulse, and when probably the genius of one man saved the Western country. These fortifications will protect New Orleans, and all the multitudinous interests connected with its safety, from similar invasions in future. Had such defences existed in 1814, it can hardly be doubted, that such an attempt would not have been made. Its weakness, combined with its importance, induced and encouraged the enterprise. We cannot pretend to state the expense attending the defence of that country at the time alluded to. Such a calculation would be imperfect, unless we could include in the estimate the lives which were lost on the occasion by sickness, as well as by the more ordinary cause of mortality in war. It is not improbable, however, that the mere pecuniary loss resulting to the country from this invasion, would have nearly defrayed the cost of the works, which are now erecting for the defence of the Mississippi.

It will be recollected that Congress decided against *one* of the works, proposed by the report of the board of engineers as a part of this defence. There may be an appearance of arrogance in doubting the wisdom of this decision, but we are inclined to believe, that, at some future time, the works on Dauphine Island will be resumed. It was never, we presume, regarded as an immediate defence of any channel or passage, and the depth of its surrounding waters was well ascertained. But in determining the facilities of attack and defence in the gulf of Mexico, the engineers could not have been unmindful, that, to leave a large and salubrious island, on a frontier affording no other insular position of that character, open to the occupation of an enemy, would be voluntarily relinquishing a *point d'appui*, whence a whole coast might be kept in a constant state of alarm; and whence expeditions might move with equal ease and promptitude, against any of its assailable points. The deleterious climate of the gulf of Mexico, when operating upon masses of men crowded in ships, is one of its best protections against an invasion of any duration. But leave a healthy and centrally situated island as a *place d'armes*, as a place of rest and refreshment for an invading force, and this safeguard is rendered almost nugatory.

The other works belonging to the first class, also claiming the earliest attention, were those which defend Hampton Roads, the Delaware, New York, and the harbor of Newport. The high importance of Hampton Roads, which, besides being the outlet of an extensive and valuable local commerce, are the central ren-

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dezvous of our merchantmen and navy, has never been misunderstood; but, under systems of defence which did not look beyond the immediate protection of certain populous places, they have always been left open and free as the common highway of nations. During the late war, however, the advantage of having had a secure place of refuge, in this broad and excellent roadstead, were made too manifest, not to suggest greater precautions for the future. Its accessibleness at all seasons, and with the same wind which wafts a vessel into the mouth of the Chesapeake, combined with its central position upon the Atlantic coast, renders it now, and will render it through all future time, of great moment to the country. Throughout the late war, the enemy held undisturbed possession of these roads; thus excluding us from the best port of refuge which the country affords, where he could ride securely through all the vicissitudes of the seasons, and whence he could detach an armament, with the greatest facility, to annoy any part of the coast. The two works now under construction for their security will, in all probability, deter any enemy, however powerful, from attempting to pass through them; and after the additional interior works, proposed in the third class, are finished, the roads would be untenable even by those who might succeed in forcing the outer defences. One of these forts, which is built in the sea, cannot be besieged; and the other is capable of resisting any force, until relief could arrive.

The defences of the Delaware and of New York, which have in view the protection of two cities of great importance, need no comment. The propriety of arranging them under the first class, and of giving them the earliest attention, admits of no question.

The harbor of Newport, with its ample anchorage and easiness of access at most seasons, is second only to Hampton Roads, as a port of refuge and of rendezvous. Hampton Roads and Newport are the two points which an enemy would choose to seize upon, in order to carry on the most effectual war against us. Such a defence of them, therefore, as may render any enterprise against them hopeless, appears to be an indispensable part of a system of national defence.

The works proposed for the defence of Boston harbor, which enter into the first class, have not yet been commenced, unless it be so far as to secure the islands on which they are to be founded, from the encroachments of the sea. The fortifications already

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there, although imperfect and misplaced, yet, assisted by the defensive character which nature has given to the harbor, afford a better protection than was possessed by any other place of equal importance.

Of the works proposed in the second class, some appear to be only subsidiary to those of the first class, intended to render them more effectual; others are of an independent character, such as those which are to be at the mouths of the Potomac and of the Patapsco, those on the coasts of Connecticut, Massachusetts, and Maine. These works, though secondary in importance, form essential parts of the general defence.

The system having been established on minute calculations, the armament required for each work, and the proper complement of troops to man them, both in peace and in war, have been accurately determined. The number of the latter has been fixed at rather less than five thousand men in time of peace, and not quite thirtyeight thousand in time of war. The garrisons, in time of peace, will doubtless always be formed of regular soldiers; but in time of war, a part of each will of course be supplied by the neighboring militia. It is the opinion of General Lallemand, 'that if half the number [of artillerists] in the field are old soldiers, it is enough;' and the remark would still hold good as to garrison service. These small and well disciplined garrisons will be centres around which the irregular force of the country may gather in a season of danger.

During the late war, the country being comparatively without defence by fortifications, the enemy was able to carry on against us, what Mr McLane very aptly termed, 'a war of threatenings;' that is, by keeping a disposable force at Hampton Roads, and at some other places within striking distance, he kept the whole country in a state of alarm, and immense bodies of militia constantly under arms. Whenever the present system of fortifications shall be completed, all the principal avenues to the country will be strongly guarded. The mass of the population may rest in quietness, until certain demonstrations indicate the point of attack. If this point prove to be any of the fortifications, the siege that must take place will afford ample time for adequate relief. Should more exposed quarters be the object, the force of the country may be directed thither, without any apprehension of danger to more important places, that may be left behind.

The estimated expense of completing the proposed system of

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fortifications is about seventeen millions of dollars. It is not improbable, that the expense incurred on account of the militia during the late war, which such a system might have left undisturbed at home, may have nearly equalled this amount. But, if a proper condition of defence were not to be obtained short of even double that amount, a wise and prescient policy would not hesitate to make the appropriation, keeping always within the resources of the country. It is not likely that the most impregnable state of defence would at all times avert a war. But war nowadays is not waged without calculation. Caprice and passion have less influence over these great questions, so momentous to the human race, than formerly. A nation that appears able to defend itself is respected; its rights are not likely to be trampled upon. Hence it is not too much to say that the expenditure of fifteen or twenty millions upon fortifications may avert many wars, each of which might cost, like the last, a hundred millions.

In reviewing the legislation relating to the army, we purposely omitted all remarks upon the *Military Academy* at West Point, believing that a subject of so much interest as this favorite institution of the nation, demanded a separate and more enlarged consideration.

The importance and necessity of some seminary of this kind, where the candidate for a commission in the army passes through a course of preliminary instruction, have been acknowledged in all countries, where the military service has been guided by the scientific rules of war. They have long been established in France and in England, and the most distinguished warrior of this or any other age, as well as his fortunate conqueror, were both *élèves* of military schools.

Our fathers had had some practice in war previously to the Revolution, but they understood little of its science. The propriety, however, of establishing some school, at which the rudiments of an art, every day becoming more important to the cause at issue, could be early infused into the commissioned ranks of the army, did not escape their observation. In October, 1776, the continental Congress resolved that a committee should be appointed, ‘ to prepare and bring in a plan of a military academy, at the army.’ It does not appear that any successful result followed this resolution. The bustle and trying exigencies of such a war as we were then waging, were not propitious to the commencement of institutions of this kind; besides, inferring from

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the phrase, 'at the army,' that it was designed to connect it with the camp, we apprehend the intended plan could not have borne much similitude to more modern academies. An ambulatory academy does not accord with our received notions on this subject.

The next attempt to introduce any thing like science into our army appears to have been made in 1794, when, in forming the Corps of Artillerists and Engineers, the President was authorized to provide 'the necessary books, instruments, and apparatus, for the use and benefit of the said corps.' But as these articles were for the use only of officers already commissioned, and engaged in the active duties of their profession, they must have been intended rather as the auxiliaries of practice, than to establish a course of instruction. Indeed, as no point of concentration was fixed for them, such an application of them would have been impracticable.

In fixing the peace establishment in 1802, at the commencement of Mr Jefferson's administration, the engineers were separated from the artillerists, and formed into an independent corps, having attached to it *ten cadets*. The law further enacted, that the corps should be stationed at West Point, and constitute a military academy; that the principal engineer, and, in his absence, the next in rank, should have the superintendence of the said military academy, under the direction of the President of the United States;' and the secretary of war was authorized, under the President, 'to procure the necessary books, implements, and apparatus, for the use of the said institution.'

By the same act, two cadets were allowed to each of the twenty companies of artillery retained on the peace establishment; and although no provision appears for attaching these cadets to the Military Academy, yet, it is believed that such of them as were appointed, were sent for instruction to that institution. This is the more probable, as, while the law continued the same, many graduates were appointed to the artillery, and some even to the infantry.

The institution continued under these inadequate provisions, with the exception of the appointment in 1803 of a teacher of French and another of Drawing, until 1812. About ninety cadets had been graduated and commissioned previously to this time. Among these are to be recognised many officers, who were conspicuous during the late war for their skill and gallantry, and who fell honorably in the field of battle, or still live in the service of their country.

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In 1812, just before the declaration of war, the corps of engineers was somewhat enlarged; the Military Academy was at the same time greatly augmented, and much improved in its organization.* The academy was still made to embrace the corps of engineers; and at the same time received, in addition to the teachers of French and of Drawing, a Professor of Natural and Experimental Philosophy, a Professor of Mathematics, and a Professor of Engineering, who were to be taken from the corps of engineers, or not, at the discretion of the President. The number of cadets for the different corps of artillery, cavalry, riflemen, and infantry, was limited to two hundred and fifty, which, joined to the ten cadets allowed to the corps of engineers by the law of 1802, made the full complement two hundred and sixty.† As this law of 1812 is the basis upon which the academy now stands, we shall quote a few of its leading provisions.

'The said corps [of cadets] shall be trained and taught all the duties of a private, noncommissioned officer, and officer; be encamped at least three months of each year, and taught all the duties incident to a regular camp; that the candidates for cadets be not under the age of fourteen, nor above the age of twentyone years; that each cadet, previously to his appointment by the President of the United States, shall be well versed in reading, writing, and arithmetic, and that he shall sign articles, with the consent of his parent or guardian, by which he shall engage to serve four years, unless sooner discharged;' 'that when any cadet shall receive a regular degree from the academical staff, after going through all the classes, he shall be considered among the candidates for a commission in any corps, according to the duties he may be judged competent to perform.'

In 1818, a chaplain was added to the academy, who was likewise to be Professor of Geography, History, and Ethics.

The foregoing are the main provisions relating to the Military Academy which we gather from the volume of laws before us. They do not descend to the minutiæ of interior arrangement, and of course leave much to be done by those, who have the management of the institution. Such an establishment, upon an extended scale, was a new thing in this country, and we were

* Law of Congress, April 29, 1812.

† As we have now only three corps, in service, namely, of engineers, artillery, and infantry, all the graduates are commissioned in those corps.

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either ignorant of the highly improved models of other countries, or did not choose to adopt their improvements. For four or five years after the law of 1812, and after the number of the cadets had been much increased, there appears to have been no established regulations as to the time of admission, or the length of the term of instruction.

In 1817, or the year following, many improvements were introduced; and the academy assumed that interior arrangement, as to classification, discipline, division of studies, &c. which has since given it such a high character for utility, and made admission into it a matter of competition throughout the United States. The time of entrance became fixed, as well as the term of instruction, and each candidate was required to pass through, not only an initial examination, but a probation of six months (at the end of which he is subjected to a second examination), before he could be entitled to receive a warrant. In the law requiring that each cadet should engage to serve for five years, four of these years were allotted to the term of instruction at the academy; and the whole number of cadets being divided into four classes, one class was to be admitted each year, to fill the place of the graduated class. Regulations were likewise established, determining the nature of the studies and the mode of instruction; each year receiving such allotment as best suited the classification, and the scale of improvement. Another regulation was likewise adopted, perhaps in a subsequent year, which has tended to make known more widely the merits of the institution, and has given the examinations a public and national character, greatly enhancing the value of the honors awarded. We allude to the *Board of Visiters*, constituted of 'a number of gentlemen, not less than five, distinguished for military and other sciences,' who are selected by the secretary of war, and who attend, at West Point, each annual examination. As the documents, which we have quoted, contain an able report from the board of visiters, who attended the examination of 1825, we shall avail ourselves of its interesting details, to present a brief view of the system of instruction pursued there, the results of which were so satisfactorily exhibited before them.

Following the order observed in the report, the first branch of study noticed is *Engineering*, in its two branches, military and civil. The highest commendation is bestowed by the board upon the proficiency evinced in these branches. When it is recollected, that the primary object of the institution was, and

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probably still is, to make accomplished engineers, such high attainments in these respects furnish evidence that its first purposes are fulfilled. As we have now begun an extensive system of national defence, upon the proper accomplishment of which depends the economical expenditure of millions, and the future security of the country, it is all important that the best skill should be possessed by those, to whose charge the work is necessarily confided. But the demand for talent is not confined to military engineering only; the spirit of internal improvement, which is now awakening our whole country to enterprise, opens also a scope for civil engineering, whose limits it would be difficult to define. The large and complicated operations, which must result from this new era of opinion and resources, will require a range of science, which even this institution is not likely to surpass.

The next branch of study mentioned in the report is *Mineralogy*. This, however, appears to have been but recently introduced, and not as yet to have been pursued with much advantage. It is only a subordinate branch of the professorship of chemistry, and is without any public cabinet of minerals. The report most justly remarks, that mineralogy, connected with geology, is of great practical importance to the corps of engineers. Indeed, we should suppose that an acquaintance with these two sciences would more frequently enter into the operations of both the military and civil engineer, than that of chemistry, though all three are of unquestionable importance. We hope the recommendation of the board, with respect to the establishment of a cabinet of minerals, will meet with attention. Such a deficiency in that study defeats all useful purposes as much as if the chemist were without his crucibles and retorts. The law would seem to warrant the 'providing' of any such essential 'apparatus.'

The next branch embraces *Geography*, *History*, and *Ethics*. As these studies are all annexed to the office of chaplain, the incumbents of which had been changed during the year, no examinations were submitted to the board. It does not appear that these studies are largely attended to at any time. They form essential elements of a well instructed mind; so does literature in general; but as they are acquirements which can be made at all times and in all places, unassisted by professors and teachers, they can claim only subordinate attention at an institution, intended more particularly for those severe sciences and difficult arts, which are seldom compassed by unaided exertions.

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We have not space to follow up the remarks of the board upon the departments of *Natural Philosophy* and *Chemistry*. It is well known that they are confided to professors of high reputation.

Drawing also forms an essential part of the instruction at West Point. Where natural aptitude assists the teacher, the greatest proficiency may be expected from the opportunity there afforded to the cadets for improvement in this art. The topography of our country is yet in its infancy, and there will long be abundant employment for this talent.

Of the branch of *Mathematics* the board remarks, that 'the condition of this department leaves nothing to desire.' This is bountiful praise, but no more, we presume, than is deserved. The rare degree of excellence attained by many of the graduates, in all the ramifications of this study, has been frequently attested by the most competent judges. It has, we have understood, been the opinion of some judicious men, that mathematics have occupied too much of the attention of the cadets, to the exclusion of studies of more practical importance. This question may be best settled by bringing into consideration the main objects of the institution. The primary object, as we have before observed, is to make accomplished engineers, and likewise to diffuse through all the departments of our military establishment those sciences, which are necessary to its efficiency and proper administration. If the mathematical proficiency, to which the cadets are urged, be greater than is required to fulfil these purposes, then the surplus time might be better appropriated. But this may well be questioned. The reach of science demanded by our engineering operations, both military and civil, for ascertaining boundaries, and making surveys, cannot easily be circumscribed. In the Polytechnic school in France, the cadets, being designated at their entrance for a particular branch, were instructed accordingly. But this is not the case at West Point, and any such distinction of studies there, would carry an invidious discrimination with it, that might operate very unfavorably upon the spirit of competition, which now pervades the whole body. This preliminary designation, while it offers some advantages, has many objections, which probably has prevented its introduction at West Point. The bent and power of the mind cannot easily be ascertained beforehand; a course of study alone brings them out; particularly the latter. Under the French rule, the range of selection is limited, and talents may often be misdi-

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rected and lost. At West Point, on the contrary, the field of emulation is open to all; the designation does not take place until after a full developement of the various capacities and tastes of the students; and the best genius, and the most successful application, are thus likely to receive those appointments which are deemed the most honorable, and for which these prerequisites render them the most fit.

The *French language* is taught at the academy, and made, as it ought to be, an essential branch of instruction. Much weight should be given to the reasons advanced by the board, in favor of adding an assistant teacher to this department, who should be acquainted with the Latin and Spanish languages. If there are those in any of the classes, whose greater proficiency in all the prescribed studies leaves them leisure for attention to these additional studies, thereby preserving a previous knowledge of the Latin, and acquiring a new language which prevails over more than half our hemisphere, we should hope that the trifling increase of expense it might cause would be no obstacle.

Of the *Military instruction* at the academy, the board speaks in terms of high commendation. This embraces 'the system of infantry tactics established for the army of the United States, commencing with the elementary drill of the soldier, and including the school of the company; school of battalion, and evolutions of the line; the exercise and manœuvres of light infantry and riflemen; the duties in camp and garrison, of privates, non-commissioned officers, and officers, including those of guard and police.' * All those who have seen the military exercises of the battalion of cadets, will bear testimony that this regulation is well fulfilled. It is scarcely possible for any troops to attain the power of manœuvring with greater precision. The course of *Artillery instruction* embraces the 'nomenclature of the different parts of cannon, gun carriages, caissons, and their implements; exercise and manœuvres of field artillery; exercise of siege artillery, including the mortar and howitzer exercises; mechanical manœuvres; target practice with the gun, howitzer, and mortar; duties of the laboratory.'

We have not room for further enlargement upon this interesting subject. The institution has acquired a wide and honorable reputation, and is deservedly in favor both with the people and

* Regulations of the United States Military Academy at West Point.

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the government. We shall finish with an extract from the report of the board, that gives some of the causes, that have produced this high character.

'The duty of the board of visiters, as prescribed by the fourteenth paragraph of the regulations of the academy, has seemed to demand of them some inquiry into the general system of means, by which the honorable and gratifying results, disclosed in the examination, have been attained.

'Much, no doubt, is to be ascribed to circumstances, in a high degree peculiar to this institution; its immediate connexion with the Government of the United States; the moral influence which this connexion imparts to the officers of instruction; the natural situation of the academy on a spot extremely favorable to its purposes; and the national spirit and character which pervade the institution. While, however, their due influence is ascribed to these causes, the board feel obliged to attribute the extensive acquisitions of the cadets to the skill and fidelity of the teachers, and to the judicious mode in which the classes are divided for instruction. As it would be impossible, on account of numbers, to teach a whole class collectively, each of the four classes is divided into convenient sections, according to the talents, previous acquirements, and ambition of the cadets. Whenever justice requires it, cadets are transferred from one section to another, and continual application is thus necessary, to maintain a distinguished character and place.

'To perfect the system of generous competition, the cadets, after each semiannual examination, are arranged on the roll, and take their seats, according to merit. In doing this, general conduct is considered, as well as progress in knowledge, so that every one, who aspires to distinction, is led to be vigilant over his daily deportment. It is also the custom each week to make a report of the best and the most deficient, in each section, and this report is transmitted to the Department of War. If, after a semiannual examination, any are found grossly deficient, they are turned back, to go over their courses again; and if, at the next examination, they are still found wanting, they are dismissed from the institution. Great justice and impartiality are exercised, as far as the board could judge, in making out the Roll of Merit. The rank assigned to each cadet is the result of a trial publicly conducted, and the greatest publicity is given to this result, by printing and distributing the roll of cadets arranged according to merit. The influence of such a system, in exciting to honorable exertion, needs not to be enforced. The board are therefore of opinion, that the system of dividing into sections, according to

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the relative capacity of the members of the classes, is practically excellent, and worthy of being carefully and vigorously maintained; and that public gratitude is due to the Superintendent of the academy, and to the Academic Staff, for having introduced so powerful, yet so simple an instrument of emulation and discipline, which requires only to be better known, in order to be universally adopted in our establishments for education.' *

We have thus passed in rapid review the history of our army; our present system of fortifications; and the Military Academy at West Point. They are essentially connected and form parts of the same whole. Our national defences are no longer regarded with the prejudiced feelings of past days; they are not now looked upon as the creations of particular administrations or parties, arising out of a temporary policy, which is expected to change with the change of power; but as a settled system, founded on a true estimation of the permanent security and welfare of the country. It was said on the floor of Congress by an eminent member, 'that the system of national defence was as much an institution of the country, as the constitution itself.' It is no doubt true, that a proper and necessary degree of defence, as justly and imperiously demands the support of every patriot, as any other institution of the country. And there are at present few intelligent persons, who, whatever may be their wishes or hopes, can persuade themselves, that a nation, being in any degree tangible by its position or external relations, can maintain its interests, its honor, or its rights, without a proper system of general defence, or frequent wars.

Our present army is divided into artillery and infantry, and assigned for the protection of the maritime and interior frontier.

* The whole number of cadets who have been graduated at the Military Academy since its first establishment in 1802, up to July, 1825, is 428, of whom 338 have been graduated since 1812. Of the whole number, 261 are now in the army, forming more than half the number of its officers; 3 are in the civil service; 9 have been killed in battle; and 33 have died in service;—45 of the whole number have been attached to the corps of engineers; 249 to the artillery and ordnance; and 134 to other corps.

The public library at West Point contains about four thousand volumes, embracing the most approved works, both in French and in English, on fortifications, artillery, pyrotechny, the military art, military history, memoirs, campaigns, civil engineering, mathematics, natural history, astronomy, navigation, chemistry, mineralogy, the arts, geography, topography, history, biography, travels, miscellanies.

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The artillery is necessarily broken into small detachments, corresponding with the number of fortifications. But it is the nature of that branch to act in detachments; and there can be no obstacle to its acquiring the utmost skill requisite in garrison service; and it will rarely be called upon to perform any other. Should the approach of war render it probable, that portions of it might be wanted in the field as light artillery, a few months' drill with horses would superadd the qualifications of that species of service, and give adequate efficiency for active operations.*

The infantry, from the different nature of its service, can be, and is, more concentrated. The Indians are held in check better by a few large bodies, than by many detachments. The policy of Mr Calhoun, in advancing far within the Indian country our cordon of posts, has been approved by experience; and had his scheme been carried more fully into effect, the only Indian conflict we have since had, would probably have been avoided.

The time has past in the United States, when any just fears are entertained of such a standing army, as may be required by the present system of general defence. It is a gratuitous assumption, that the officers of the army are less identified with the country, have less interest in its institutions, and are less desirous of maintaining them, than any other class of citizens. The military establishments of most countries form an appendage of the crown; and even in England, where they might be supposed to have a somewhat more popular character, foreign and colonial stations give the officers a peculiarity of feeling, which separates them in a degree from their fellow countrymen. But in our country, on the contrary, the army is dependant upon the people, and is mingled with them; it participates in the same habits, imbibes the same sentiments, and regards itself in every respect as a part of the great community.

* An artillery school of practice was established about two years ago at Fortress Monroe, Old Point Comfort, Virginia, for the purpose of practically instructing the four regiments of artillery, successively, through a course of two years, in all the duties belonging to that branch. Like most of Mr Calhoun's plans, this had great utility in view. But there was not sufficient attention paid to preliminary details. The local situation of the school was ill chosen, or, at least, occupied too soon. It has resulted in a double interference; the school interfering with the progress of the fortifications, and the progress of the fortifications interfering with the school.

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ART. II.—*Memoirs of the Historical Society of Pennsylvania.* 8vo. pp. 228. Philadelphia. McCarty & Davis.

It was said by Lord Bacon, that 'nothing is so seldom found among the writings of men, as true and perfect civil history.' This remark is as pertinent at the present day, as it was in the time of Bacon. There would seem to have been no essential improvements on the models of the ancients, in the art of writing history, and Herodotus may still be cited as standing at the head of the first rank of historians, as Homer of the poets, and Demosthenes of the orators. The voice of ages has been as unanimous in favor of the one as the others, notwithstanding the discourteous criticisms of Plutarch on the writings of Herodotus.

To inquire into the reasons, why historical compositions have not been improved by the moderns, would lead us away from our present purpose. It is enough to admit the fact, and assent to the truth of Bacon's proposition. In this respect history stands on the same footing, as poetry and eloquence, architecture and sculpture. Lucian tells of a certain historian of Corinth, who began his work by a formal argument to prove, that none but a wise man should attempt to write history. Were all historians to set out with this position, and gravely apply themselves to establish its truth, we should probably meet with fewer unsuccessful invocations of the historic muse, unless, like the same Corinthian author, each should think his own case sufficiently clear without proof. In his rules for an accomplished historian, Lucian mentions what he calls two grand qualifications, namely, a genius for political investigation, and a command of language, or a power of describing his thoughts with force and accuracy. The first, says Lucian, is a gift of nature, and a thing not to be taught. The second can be acquired by industry and emulation, by study and practice. The great historians have possessed both these qualifications. Their patience and labor have been equal to their genius. Herodotus spent years in travelling, observing, conversing with men of different nations, and polishing his compositions, before he ventured to submit his work to the critical ears of a Grecian audience. Froissart was a travelling chronicler, and he holds the first place in the department of history, which he cultivated. In short, a man without talents or industry may compose a wretched history, as he may be a dull

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orator or poet. Genius in either case is a feeble flame, unless cherished by severe mental application; and industry will plod in vain, when not quickened by some portion of the celestial fire.

Sometimes the historian fails, on account of his subject; at other times, for the want of materials. It is not in the power of the greatest mind to make that dignified and interesting, which in its nature is low and unattractive. The first step to be taken by a historian, therefore, is to exercise his judgment in selecting a subject, which will not cause him to run the hazard of wasting his powers in developing and recording events, that have nothing in them to command the admiration, or awaken the sympathy of mankind. Next come the materials of history, and in no part of his task are the resolution, the patience, the ardor of the historian, more seriously tried than in collecting these. Some writers have avoided this burden of research, and proved themselves to be politicians, rather than historians. Xenophon related his own adventures, and Hume worked upon the stock of others. Herodotus, on the contrary, sought out the very fountain heads of knowledge with untiring diligence; and Gibbon delved deeply and laboriously in the unproductive mines of the literature of the dark ages.

In applying these hints to our own country, we perceive no reason, why historical compositions of the highest order may not be written among us. There is no appalling deficiency of any one requisite, either in regard to writers, subjects, or materials. As to the first, to be sure, the best proof is a successful experiment; and, if occasion required, we should not despair of establishing this proof with some degree of triumph, even from the present list of American historians; although we confess, that no work approaching to the character of a complete history of America, or of the United States, or of the American Revolution, has yet appeared. Of the single states we have some respectable histories, rather of the narrative than the philosophical kind; telling much of events, but little of causes and consequences; describing the visible motions of the political machine, but hardly acquainting us with the springs that actuated it, or the mass it moved. These are valuable chiefly as materials, and indexes to materials, for future use, in composing a perfect colonial history. In glancing over this subject, however, nothing is more obvious, than the scattered and loose condition of all materials for history in the United States. So many dis-

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tinct governments existed in this country, from the time of its first settlement, that the records of events were not only very much multiplied, but widely diffused. In some cases they were never well preserved in the public offices, and at the Revolution there was a universal confusion. Important papers belonging to individuals were subject to similar accidents. Since that time many have been lost, and those which remain will gradually suffer the same fate, unless some special means shall be used to collect and preserve them.

To effect this end no better plan could be adopted, than that of societies in the several states expressly established for the purpose. Some of these societies have already been efficient and eminently serviceable. Twentyone volumes have been given to the public by the Massachusetts Historical Society, and one volume at least is annually published. By the New York Society three volumes have been printed, and we understand that a fourth may soon be expected from the press, comprising a second volume of Smith's History of New York, left by the author in manuscript. The library of this Society is valuable, and is well supplied with books on American history. It must not be concealed, however, that the objects of the Society do not seem to have been prosecuted recently with the same ardor and success, as at the beginning. The New Hampshire Society has begun to publish its collections, and a good deal is to be expected from that quarter. There is a Historical Society in Connecticut, but we do not learn that the public has as yet been favored with its contributions. We hope that gentlemen of leisure and inquiry in other states will shortly follow these examples, so honorable, and so well calculated to rescue from oblivion the memorials of the lofty spirit, the brave deeds, and the enduring fortitude of our fathers, who settled and subdued the land of our inheritance, and planted the seeds of liberty from which we are now enjoying an abundant and grateful harvest.

A new Society has been formed in Pennsylvania, with the design of collecting materials illustrating the history of that state; and in the volume before us, we have the first fruits of its labors. The specific objects of this Society, as set forth in the president's inaugural address, are comprehensive and important. These are stated to be the national origin and domestic habits of the first settlers of Pennsylvania; biography of William Penn, his family, and other settlers; biographical notices of eminent persons in modern times; aborigines of America; principles

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to which is to be ascribed the rapid peopling of Pennsylvania; general polity, revenues, and expenses of the colonial government; judicial history; medical history; literary history; agriculture, manufactures, and commerce. It is thus seen that the Society has given itself a great latitude of research, and that the zeal of its members need not flag for the want of suitable incitements. A separate committee, consisting of several gentlemen, is appointed for the investigation of each of these topics. Eleven years ago a committee of the American Philosophical Society of Philadelphia was formed, expressly for literary and historical purposes, and why it has been deemed necessary to create a new society for the same objects, and in the same place, we know not, nor do we think it a matter of any consequence, provided the activity and usefulness of both will be promoted by such an arrangemeut. It is to be feared, however, that by this division of forces the strength of the whole body will be weakened. There can be no question, in short, that much the greatest results would be produced by a union of the zeal and exertions of all parties. That no one can be associated with the Historical Committee, who is not a member of the Philosophical Society, is a very serious bar to the usefulness of that committee, and unless this obstacle could be removed, by some more liberal conditions of membership, the reasons perhaps were sufficiently cogent for setting up a new association on a broader basis. It is not to be supposed, that the persons most ardent in antiquarian and historical research, will always be the best qualified to belong to a philosophical society. Yet we think the president's language a little too strong, when he says in his inaugural discourse, speaking of the Committee, that 'the public looks on them with indifference.' To judge by the silence which they have maintained, since the publication of their first volume, seven years ago, it may be inferred rather that they are indifferent to the public, than that the public is indifferent to them. Another volume is understood to be in preparation, if not now ready for the press.

Besides the inaugural discourse of Mr Rawle, president of the society, the volume now under notice contains a memoir by Roberts Vaux, on the locality of the famous treaty between William Penn and the Indians; notes on the provincial literature of Pennsylvania, by Thomas I. Wharton; and a memoir on the controversy between William Penn and Lord Baltimore, respecting the boundaries of Pennsylvania and Maryland, by James

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Dunlop. These are all judicious tracts, and throw as much light as could be expected or desired on the points of history, which their authors attempt to discuss.

Among other things Mr Rawle goes into an elaborate argument, to prove the rights of the aborigines to the soil of this country, and to show that these rights were as valid, and gave the Indians as strong claims, as in a more advanced stage of civilization. On this topic we do not fully agree with him, believing his reasoning to be more refined than practical. It is true in general, that what is right in one sense is so in another; but there are such things as conditional rights, and we apprehend this case of the Indians to be one of that description. 'A right to the soil depends on the mode by which possession was acquired,' says Mr Rawle; 'it is only by military conquest, or voluntary cession that the rights of the original occupants are divested.' Now in our view there is a previous question to be disposed of. What was the nature of the right by which the Indians held possession? Was it the right of occupancy? Doubtless it was, as far as the European settlers were concerned, for no other proof of right could be exhibited by the Indians; nor would any other be required to make the right unconditional and indisputable, in all cases where the inhabitants bore any proportion to the quantity of land they claimed. But to argue seriously, that a handful of savage people has a right to retain exclusive possession of as much land as it can wander over, during the four seasons of the year, in pursuit of game, and reject all other people from this domain, is carrying the metaphysical side of the question a little too far. Mr Rawle goes back to Adam, and says that to him was given 'dominion over the earth,' and adds, that 'dominion thus became a quality incident to rational existence.' Take this for granted, the question then occurs, How much dominion? Every human being undoubtedly has a natural right to soil enough to procure his subsistence, but here his natural right ends. If he possesses more, it must be by some conventional or conditional right. The laws of nations have recognised the rights of conquest and purchase, the first chiefly from necessity, and the second from convenience. Hobbes believed the foundation of right to be in the superiority of strength, Puffendorf in that of excellence. But take it as you will, the dimensions of the Indian rights become very scanty. As to the dubious right of conquest, we know not enough of their history to say anything on the subject; they made no pre-

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tensions to purchase; they were few in numbers and comparatively feeble in strength; and for mental or moral excellence they were not distinguished.

Where then is the validity, or sacredness of the Indian rights, which rendered it unlawful for the inhabitants of other regions to settle in the wilderness, which the Indians did nothing to subdue, or to draw nourishment and riches from the soil, which they left desolate and barren? Did the first Indian, who stepped upon the western continent, actually possess in fee simple one half of the globe, and had he a *right* to exclude all the rest of the world from his hemisphere, if such were his will and pleasure? Was this 'dominion incident to his rational existence?' It is presumed not. Had another man arrived a month later, he would have been as legitimate and substantial a proprietor of the hemisphere, as the first settler. The same may be said of ten, or twenty, or a hundred. The reason is, that as yet they possessed nothing by a conventional right, and no individual by his natural right could claim more than was sufficient for himself, and those immediately dependant upon him. As the people multiplied, and property increased, conventional rights grew up with the advancement of society, existing in different degrees according to the progress of civilization, and the recognised rules of social and civil order. When the Europeans came first to these shores, had the native population been dense, the country covered with villages and cultivated fields, the streams and bays filled with commerce, had manufactures and the arts flourished, and had an immensely increased value been given to the soil by the labor and skill of men, there would then have been in the condition of the people all the constituent qualities of a perfect right, whether regarded as the right of nature, superior strength, excellence, or purchase. Encroachments then would have been unlawful, because civilization had stamped the mark of property on every foot of land, and every other desirable object of possession.

But the case, as it stood with the Indians, was as different from this as possible. They were found here in the midst of a wide wilderness, scattered over a vast tract of country, savage in their habits and manners, paying no attention to agriculture or any of the arts of civilized life, roaming from place to place, and exhausting their whole powers of mind and body in gaining a precarious subsistence by the chase, and waging bloody wars with each other. To all appearance they had been here for centu-

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ries, without advancing a single step in the road of human improvement. This applies we believe with strict accuracy to all the Indian tribes north of Mexico. Now to suppose that such a people had a right to this whole continent, or to any large portion of it, by which they might justly and forcibly exclude foreigners, who were peaceably seeking an abode in some corner of the same wilderness, is in our view to misapprehend the true nature of aboriginal rights, and to overlook the wise and beneficent designs of Providence, as seen in the progress of human affairs, and the government of the world.

Thus far we have been speaking of right; but when we come to the facts of history we shall not differ from Mr Rawle and others, whose warmth of sympathy in the cause of the Indians has been such, as the melancholy fate of that unhappy race is calculated to kindle. It would be in vain to attempt to justify the first settlers in many of their acts. If they had a right to a quiet occupancy of the soil, they had no right to wage unprovoked war against the natives, to drive them back, and seize the lands which they valued as being the dwelling place of their fathers, and on which the council fires had been lighted up for ages. The power of association, their reverence for tradition, as well as local causes, had chained them to spots from which they ought not wantonly to have been driven. Even the pilgrims at Plymouth landed in a hostile attitude under their military leader, Miles Standish. The first settlers seemed to have a contempt for the Indians, and to regard and treat them as possessing but few of the attributes of human beings. The Indians perceived this. They knew, moreover, that the whites practised deceptions upon them, overreaching and defrauding them whenever they could. They felt the indignity and injury, and it was natural that they should show resentment and seek revenge. Then followed fightings and bloodshed, with all the horrors and cruelties incident to savage warfare. Nine times in ten, we are convinced, these calamities were the direct consequences of the fanaticism, indiscretion, ignorance, or cupidity of the whites. A particle of wisdom, or of a knowledge of the savage character, with another particle of honesty, would have prevented the destructive wars, which at last nearly exterminated the red men, and for many years essentially retarded the prosperity of the whites. When we look back upon these scenes of our early history, and survey the picture they present, however much we may be shocked at the glaring atrocities of the barbarous natives,

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we can find no apology for their intruding neighbors, who provoked these atrocities, and whose duty and policy it was rather to conciliate and soothe, than stir up and inflame the wild passions of uncivilized men. They drove the Indian to his ruin, but they nerved his arm with revenge, and brought a blow down upon their own heads, from the deep effects of which they did not soon recover.

It is consolatory, however, in running over these dark records in the annals of our forefathers, to light upon some brighter spots, which show their character to better advantage. The fame of William Penn has derived much lustre from his friendly, peaceful, and honorable mode of treating the Indians, in making all his acquisitions by fair purchase. The praise of this conduct has perhaps been too generally considered as exclusively his. A most valuable part of Mr Rawle's discourse is that, in which he examines the early history of the colonies, with direct reference to this subject. It appears that in all the colonies, from the time of their first settlement, purchases of lands from the Indians were frequently made. Belknap speaks of purchases at Plymouth, and as early as 1629, a company of persons from Massachusetts purchased of the Sagamore of Penacook, and other chiefs assembled at Squamscot falls, a tract of land, for which a regular deed of conveyance was obtained, 'with the universal consent of their subjects, for what they deemed a valuable consideration in shirts, coats, and kettles.'* Morton says, that the lands at Plymouth were a donation to the first settlers by Massasoiet, king of the country. Purchases were afterwards made from him, but by the following passage, quoted by Mr Rawle from Hutchinson, it would appear that the terms were not always unexceptionable. In speaking of king Philip, it is observed by Hutchinson, that 'although his father had at one time or other conveyed to the English all that they were possessed of, yet Philip had sense enough to distinguish between a free, voluntary covenant, and one made under duress.' And afterwards the general court of Massachusetts urged a claim to the Pequot country by right of conquest.

Several purchases were made in Connecticut, particularly of the Pequots by Lord Say and Seal, and of others by John Mason. We cannot forbear in this place to quote Mr Rawle's short description of the brave and lofty spirited Pequots. We think it discriminating and just.

* Belknap's New Hampshire, Vol. I. p. 11.

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'The Pequots were a highminded race; the only nation which, in that part of the world, had refused to pay tribute to the imperial Mohawks; they knew and valued their own rights, they foresaw the ruin that impended on their national existence by the introduction of a superior class of beings, armed with destructive weapons, and eager to use them. The praises due to patriotism and courage, the admiration we bestow upon ancient nations, who hazarded everything in defence of their rights, their liberties, and their soil, should not be withheld from the Pequots. Like the Carthaginians, they have no historians of their own. We take their history, and our impressions of their character, from the pens of their enemies, their oppressors and ultimate destroyers. If we find them soon afterwards engaged in a severe and bloody war with the English, we are not thence to infer, that the Pequots were the aggressors.' p. 60.

It has been the fate of all the tribes to be like the Carthaginians, in having their history written by their enemies. Could they now come up from their graves, and tell the tale of their own wrongs, reveal their motives, and describe their actions, Indian history would put on a different garb from the one it now wears, and the voice of justice would cry much louder in their behalf than it has yet done.

In pursuing his inquiry into the origin of titles to Indian lands, Mr Rawle finds that the same amicable and equitable mode of purchase was adopted by the Dutch in New Netherlands, and by others to a certain extent in New Jersey, and on the Delaware river; and particularly by the Swedes on the western bank of that river in 1637. In Virginia, the Carolinas, and Georgia, there is ample testimony of titles having been acquired by purchase. The result of Mr Rawle's inquiries, in relation to this subject, is on the whole more favorable to the whites, than has commonly been supposed. Whatever aggressions may have been committed by them, and it is well known that these were neither few nor small, the proofs are incontestible, that numerous purchases were made in a peaceable manner before the time of Penn. And this may be said, without detracting anything from the high and just praise due to that distinguished philanthropist and legislator.

In Mr Vaux's memoir, respecting the place in which the famous treaty between William Penn and the natives was ratified, he establishes the common opinion, by arguments as strong perhaps as the nature of the case will admit, that it was on the bank of the

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Delaware in Kensington, the northern suburbs of the present city of Philadelphia, under a large tree, which was to be seen there till 1810, when it was uprooted by a storm. A vague notion has gone abroad, that this treaty was formed farther down the river, at the Uplands, the present site of Chester. Other places have claimed this distinction, as did the Grecian cities the honor of being the birthplace of Homer, but the testimony is in favor of the great elm tree in Kensington. The following extract from a letter on this subject, by the venerable Richard Peters, dated September 6, 1825, will be read with interest.

'It appears that the seat of Penn's government was first established at Upland, or Chester; where several of his letters are dated. Now I have always understood that Talks with the Indians, preparatory to a final arrangement by a conclusive treaty, were held at Upland, or Chester. But it is almost indisputably probable, if general tradition did not confirm the fact, that William Penn chose to hold this treaty beyond the reach of any jealousy about the neighborhood of fortified places, and within the lines of his province, far from such places; and at a spot which had been an Indian settlement, familiar to, and esteemed by, the natives; and where neither Swedes nor Dutch could be supposed to have influence; for with them the Indians had bickerings. This view of the subject gives the strongest confirmation to the tradition of the treaty being held at Kensington; and the tree, so much hallowed, afforded its shade to the parties in that important transaction. The prudent and necessary conferences, or talks, preparatory to the treaty; if any vestiges of them now remain, may have given the idea that the treaty was held at Upland.

The name and character of William Penn, denominated by the Indians, Onas, was held in veneration, through a long period, by those who had opportunities of knowing the integrity of his dealings and intercourse, especially by the Six Nations, who considered themselves the masters of all the nations and tribes with whom he had dealings in his time, and his successors thereafter who adhered to the policy and justice practised by him. At Fort Stanwix, fiftyseven years ago, I was present when the Delawares and Shawanese were released by the Iroquois, or Six Nations, (originally five,) from the subordination in which they had been held from the time of their having been conquered. The ceremony was called "taking off the petticoat," and was a curious spectacle. When I was adopted into the family of a Tuscarora chief, at the time of the treaty of Fort Stanwix, he made to me a speech, in the style used on such occasions, in which he assured

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me of his affection, and added, that he was pleased with my being "*one of the young people of the country of the much respected and highly esteemed Onas*," which means a *quill* or *pen*. He gave to me one of his names—*Tegochtias*. He had been a celebrated warrior, and had distinguished himself on expeditions, toilsome and dangerous, against the southern Indians. The feathers, and desiccated or preserved birds, called by the Indians *Tegochtias*, i. e. *Paroquets*, were brought home by the war parties, as *Trophies*. The feathers decorated the *Moccasins* (whereof I had a pair presented to me), mixed with porcupine's quills in beautifully ornamented workmanship. If there be any thing in my Indian name of *Paroquet*, ludicrous in our estimation, I shall not be ashamed of it, when the great and good Penn, was denominated, not a whole bird, but merely a *quill*. My *moccasins* cost me an expensive return, in a present the ceremony required; but I considered the singular *honor* conferred on me, richly deserving remuneration; though, in fact, I was more diverted than proud in the enjoyment of the amusing and curious scene, and had no doubt but that this expected remuneration was an ingredient in the motive leading to my adoption. *My* nation is reduced, as is all that confederacy, to a mere squad, if not entirely annihilated; though at that time it (the confederacy) could bring three thousand warriors into the field.' pp. 89—92.

Mr Wharton's Notes on the literature of Pennsylvania contain curious facts, concerning the early history of that colony, which we recommend to our readers. It will be recollected, that this was the theatre of Franklin's labors as a printer, and the place where the foundation of his great fame as a writer was laid. In connexion with his main subject, Mr Wharton has glanced occasionally at the literary condition of other colonies. He has drawn our attention to a remarkable letter of William Berkeley, governor of Virginia, to the Committee of the colonies in England, written in the year 1671, more than sixty years after the first settlement of the colony. The state of learning at that time in Virginia will be understood, by the closing paragraph of his letter. 'The same course is taken here,' he observes, 'for instructing the people, as there is in England. Out of towns every man instructs his own children according to his ability. We have fortyeight parishes, and our ministers are well paid, and by my consent should be better, if they would pray oftener and preach less; but as of all other commodities, so of this, the worst are sent us, and we have few that we can boast of, since

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the persecution in Cromwell's tyranny drove divers worthy men hither. Yet I thank God there are no free schools, nor printing. For learning has brought disobedience, and heresy, and sects, into the world, and printing has divulged them and libels against the best government. God keep us from both.'* This extraordinary doctrine was uttered by a governor of one of the most powerful provinces in America, towards the close of the seventeenth century. Happily it accorded in nothing with the spirit of Penn, or of the descendants of the Pilgrims.

Mr Dunlop's Memoir, on the controversy respecting the boundaries of Pennsylvania and Maryland, involves a discussion upon which we have not room to enter. The author has been successful in elucidating a somewhat entangled point of colonial history, and placing it in an intelligible form before the reader, which has not been attempted we believe in any other treatise, drawn up expressly for the purpose.

Before closing these remarks, we are tempted to say a word more on the utility of Historical Societies. The importance of speedy exertions, in collecting the remnants of such scattered materials as we possess, and of securing them in safe and accessible depositories, needs not to be urged. Every day adds to the chance of their being destroyed or lost. Time besieges them with its wasting power, or the tide of oblivion rolls over them. Let them be brought together, arranged, and preserved according to their purpose and value, and be made fruitful sources of knowledge to future historians, and the efficient means of abridging their labors. The deeds of our forefathers, their early struggles and protracted sufferings, are themes worthy to be had in remembrance and deep reverence by those, who are enjoying the fruits of the vineyard, which they planted in perilous times, with such sacrifices of blood and happiness. To lay these up in the chambers of our memory, and transmit them as a choice inheritance to our children, is no more than a dictate of nature, confirmed by the example of all ages, and the first impulses of the heart. The patriots and heroes, who achieved our liberties, are equally to be held in honor, and the records of their great actions engraven on tablets, which time shall not destroy, nor

* Chalmers' Annals, Book I. chap. 13. The first printing press introduced into any part of America, north of Mexico, was set up in Cambridge, Massachusetts, in 1638. Printing was introduced into Pennsylvania as early as 1686; and into Virginia about 1727.

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accident mar. By a good history of the country only can this be effected, and such a history cannot be written, till the materials, of which it must be composed, shall be collected and made easy of access.

It should be the object of each Society to search out every printed volume, pamphlet, and document relating to the history of America, and such manuscripts particularly as come within the professed compass of its inquiries. A person, who has not examined this subject, would be surprised at the exceedingly small number of books in our public libraries, on the history of this country. Nothing is more rare in these collections, than a copy of many of the colonial histories. After we have mentioned the library of Harvard College, of the Athenæum and Historical Society in Boston, of the Historical Society in New-York, of the Philosophical Society and the city library of Philadelphia, and the library of Congress, we know not another, in which the whole stock of books relating to America may not be ranged in the corner of a single case. The collection at Cambridge is by far the most ample, and it is a poor compliment to our native zeal, that this was made principally by foreigners, and has been transferred from Hamburgh and Paris to its present station, by the munificence of two of our wealthy citizens. The library of Congress is remarkably deficient in this department, having gained no acquisitions since the purchase from Mr Jefferson, except of the new current books. If there be a library in the Union, which ought to be more rich than any other in works of this description, it is that belonging to the nation. The city libraries of Charleston and Baltimore are judiciously selected for general purposes, but as to American history they are meagre. In neither of them can be found a full set of the printed books, journals, and documents relating to the state of which it is the metropolis. You can learn more of the fabulous ages of Greece and Rome, or of the Saxon Heptarchy, than of America, in the greater portion of the public libraries in the United States. A few private libraries are well supplied with works on American history, one of the most copious of which is understood to be that of an eminent jurist in New Hampshire.

State libraries are established in some parts of the Union, under the patronage of the legislatures, as in North Carolina, Pennsylvania, and New Jersey. This example is worthy to be imitated by all the states. If the representatives will cherish a proper interest in the subject, every important historical record

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and paper in the states may soon be collected into these centres. The state library of North Carolina exhibits the rarest instance of *bibliomania*, probably, which has occurred on the western continent. Lawson's History of Carolina, a thin quarto volume, of small size and a good deal worn, was recently purchased by the library committee, at the sale of a private gentleman's books in that state, for the round sum of sixty dollars. The book was printed in London, 1718, and at the bottom of the title page we read, 'Price five shillings.' * The state library at Harrisburgh,

* The entire title of the work is as follows. 'The History of Carolina, containing the exact Description and Natural History of that Country; together with the present State thereof. And a Journal of a thousand Miles, travelled through several Nations of Indians, giving a particular Account of their Customs, Manners, &c. By John Lawson, Gent. Surveyor General of North Carolina. London. Printed for T. Warner, at the Black Boy in Pater Noster Row, 1718. Price five Shillings.' The volume consists of two hundred and fiftyeight pages, about one third of which is taken up with an account of the Indians.

At the close of his Introduction the author makes the following remarks. 'The merchants of Carolina are fair, frank traders. The gentlemen seated in the country are very courteous, live very nobly in their houses, and give very genteel entertainments to all strangers, and others, that come to visit them. And since the produce of South and North Carolina is the same, unless silk, which this place produces great quantities of, and very good, North Carolina having never made any trial thereof as yet, therefore I shall refer the natural produce of this country to that part which treats of North Carolina, whose productions are much the same. The Christian inhabitants of both colonies are pretty equal, but the slaves in South Carolina are far more in number than those in the North. I shall now proceed to relate my journey from this settlement to the other, and then treat of the natural history of Carolina, with other remarkable circumstances, which I have met with during my eight years' abode in that country.'

Accordingly he proceeds next to his Journal, which he opens thus. 'December the twentyeighth, 1700. I began my voyage for North Carolina from Charles Town, being six Englishmen in company, with three Indian men and one woman, wife to our Indian guide.' In this manner they journeyed, till they came, as the author expresses it, 'to Pamticough river in North Carolina, where, being well received by the inhabitants, and pleased with the goodness of the country, we all resolved to continue.' How long he continued we are not informed, but his work was not published till eighteen years afterwards.

A book was published in Dublin, in the year 1737, entitled, 'Natural History of North Carolina, by John Brickell, M. D.' which is remarkable for being an almost exact verbal transcript of Lawson's History, without any acknowledgment on the part of the author, or even a hint that it is not original. Periods and paragraphs are transposed; parts are occasionally omitted, and words and sentences here and there inter-

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in Pennsylvania, contains many portly folios, in antique garb, presented by William Penn, among which are the best of the old English authors. To these have been added the standard works on politics, history, and legislation.

Printed journals, pamphlets, and documents relating to the Revolution, constitute another kind of historical matter, which should be speedily collected. It is an extraordinary fact, that in hardly a single state can be found, in any one place, a full copy of the journals and records of that state, during the period of the Revolution. In some cases the same may be affirmed of the proceedings of the first conventions, when the colonies began to take upon themselves the powers and the acts of self government, and when new constitutions were framed. The negligence in this respect is unaccountable. No doubt a few perfect copies might be obtained, by proper exertions, for although no individual may possess the whole, yet all the parts may be in the hands of several. It would be a worthy enterprise for any historical society to appoint a committee, for the express purpose of collecting a perfect copy of the printed journals of the conventions and assemblies, from the beginning to the end of the revolutionary contest. The unsettled state of the times may perhaps be considered the cause of the carelessness, which prevailed in preserving papers, whether printed or in manuscript.

Another desideratum of immense importance in a historical collection, is a perfect body of the statutes of all the colonies and states, down to the formation of the federal constitution. The various editions of revised laws are not enough, for it will often happen, that a law, which has been repealed, is more essential as a historical record, than half a score of others, which have been kept in force. At the period of the Revolution, particularly, the laws, which illustrated most strikingly the state and spirit of the times, were the very ones soonest out of date. The entire statutes are alone valuable for history, and we do not believe there is a library in the Union, which can boast of possessing these for more than one or two states at the utmost limit. Virginia is the only state, which has published its own laws in

polated; but, as a whole, a more daring piece of plagiarism was never executed. The fact that this volume was published by subscription, only nineteen years after Lawson's History, is presumptive evidence, perhaps, that this latter work, for reasons now unknown, had become so rare, as to render a detection of the plagiarism improbable. Both of the above works are in the Boston Athenæum.

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anything like a perfect form. Hening's Statutes at Large, in thirteen volumes, is a work reflecting the highest credit on the wisdom and liberality of Virginia, as well as on the industry and good judgment of the editor. With the full body of the laws, printed in chronological order, are mingled historical illustrations. The work, indeed, has no parallel in any other state, in regard either to its origin and execution, its extent, or the mode of its publication. It was printed at the charge of the commonwealth, and we presume at a considerable pecuniary sacrifice, for it is sold at a price hardly adequate to the cost. The project was designed for public benefit, and in attaining this end it has been successful. The proceedings of the conventions of Virginia, at the beginning of the Revolution, have also been reprinted by order of the legislature.

It may not be out of place here to correct a prevalent error, respecting the first written *Constitution* in this country. It has been generally supposed, that the constitution of Virginia was the first, and in Mr Jefferson's letter to Major Cartwright, lately published in the biographical memoir of that veteran friend of liberty, he writes, 'Virginia was not only the first of the states, but I believe I may say the first of the nations of the earth, which assembled its wise men peaceably together to form a constitution, to commit it to writing, and place it among their archives, where every one should be free to appeal to its text.' In this paragraph there is a mistake, in respect to its main point, as will be perceived by referring to dates. The convention, which formed the constitution of Virginia, assembled on the sixth of May, and continued by adjournments till the fifth of July, 1776. But the constitution of South Carolina was adopted on the twentysixth of March preceding, *more than two months before that of Virginia*, at what was called the 'Second Session of the Second Provincial Congress,' which assembled at Charleston on the first of February.

The president of this congress was William Henry Drayton. On the eleventh of February, a committee was appointed to prepare a plan or form of government, as had been recommended by the continental Congress in the preceding November. Of this committee, Charles Cotesworth Pinckney was chairman, as would appear from the journal. A constitution was reported a few days afterward, which was discussed and amended from time to time, till it was finally adopted on the day abovementioned. The constitution itself may be seen in the journal

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of the second provincial Congress of South Carolina, printed immediately after the session. The same day on which this constitution was adopted, that is, March 26th, 1776, the officers of the new government were elected. John Rutledge was chosen president, or governor, and Henry Laurens vice president. From these facts, it is evident that the constitution of South Carolina was promulgated before that of Virginia, and, as far as we know, it was the first written constitution in America.

A primary object of historical societies should be to collect manuscripts, to publish the best of them, and preserve those of less value in such a manner that they can be consulted by the historian and curious inquirer. The country abounds with historical manuscripts, in the hands of individuals and in public offices. It is to be lamented, however, that few public colonial manuscripts remain. In some of the states, the early journals of the assemblies and of the councils have been kept unbroken, but it is a fact worthy of particular remark, that in very few of the states, in none certainly south of New York, can be discovered a vestige of the correspondence of the provincial governors, nor any of the unpublished state papers anterior to the Revolution. This can be accounted for only upon the supposition, that the governors took away with them all the papers of this description. The journals are barren in matters of history, exhibiting little more than a dry detail of the daily proceedings of the legislative and executive bodies. The journal of the Council of South Carolina, under the provincial government, amounts to forty manuscript folio volumes. These contain specimens of Indian eloquence, and occasional copies of letters. In Georgia there is very little to elucidate early history, but what there is, we have good reason to believe, has been thoroughly examined, and will be faithfully reported, by Mr Bevan, who is now engaged under the auspices of the legislature in writing a history of the state. North Carolina is not without materials for early history. Mr Francis Xavier Martin many years ago made preparations for writing a history of that state, but his project never came to maturity. Judge Murphey is engaged in the same undertaking. Williamson's history is very imperfect. In Virginia all the public records and papers were burnt in January, 1781, when the British took possession of Richmond under Arnold. Up to that date the offices are blank. Maryland was more fortunate, and its provincial records are well preserved. In Pennsylvania these continue without interruption from the first session of Penn's council,

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down to the end of the old government. The journals of New Jersey were printed nearly, if not quite, from the beginning of the government.

But none of these sources is by any means fertile in the best materials. In short, the colonial history of America is shut up in the office of the Board of Trade and Plantations in England. The original papers are all there, and no tolerable history can be written without a free and full use of them. A copy of the entire mass of those papers, as far as they relate to this country, ought to be obtained and deposited in the national archives at Washington. The government is the proper organ for managing this business, and we can hardly imagine an act more honorable, or more indicative of wisdom, good sense, and patriotism, than an effort to procure such a copy, through our minister at London. It cannot be supposed, that the British cabinet will at this day have any objection to copies being taken of papers, relating solely to this country, especially when we consider the enlightened and liberal men of whom that cabinet is now composed.

There is much room for zeal in finding out and collecting manuscripts, at present in the hands of individuals, which have a direct bearing on the origin and events of the Revolution. This is the grand period in our national history, upon which future ages will look back with peculiar interest, and mark as a prominent epoch in the progress of mankind. The correspondence of the officers of the army, the first governors of the states, the delegates in Congress, and other leading men of the times, should be eagerly sought and rescued from the fate, which is impending over it. Much of this we know has already been lost, by the carelessness or indiscretion of the persons, into whose hands it has fallen. It will all gradually disappear, unless seasonably deposited in the safe keeping of some public body, where a perpetual watchfulness will be exercised over it.

The history of some private manuscripts has already been curious. Our readers will recollect, that two or three years ago a large bundle of letters was brought to light in a baker's shop in New York, which proved to be the private correspondence of Paul Jones. When Paul Jones left America for the last time, he committed to the care of his friend, John Ross, of Philadelphia, several packages of manuscript papers, consisting of letters, journals, and vouchers of his landed and other property in America. A power of attorney was afterwards sent to Mr Robert Hyslop, merchant of New York, to receive those packages in

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trust for the heirs of Paul Jones. An agent came to this country and settled the pecuniary affairs, but the papers, on being examined, were allowed to remain in the hands of Mr Hyslop in trust, as undivided property belonging equally to all the heirs of Paul Jones. At length Robert Hyslop died, and the papers then fell into the hands of his executor, John Hyslop, baker in New York. This is a brief explanation of the somewhat singular circumstance, of papers of this sort having been discovered in a baker's shop. They were valuable, as containing the correspondence of some of the most eminent leaders of the Revolution.

Another remark we may add respecting the papers of Paul Jones. By his will he left all his effects to his two sisters, who resided at or near Dumfries, in Scotland, to be divided equally between them and their children, in as many shares as there were individuals in the two families, constituting his two sisters guardians of their respective children during their minority. In 1793, one of the sisters, and the husband of the other, went to Paris, to recover a debt due from the French government to Paul Jones, and took with them to Scotland, among other things, all the papers left by him. A division of the effects and papers was immediately made, by a gentleman appointed for the purpose, with the mutual consent of the parties, who bound themselves to abide by his decision, This gentleman pursued an extraordinary course in regard to the papers. He portioned them out in two parcels, by weight and measure, just as they happened to come to hand, without regard to their value or connexion. The two families resided for some time in Scotland, and when Dr Duncan, eight or nine years ago, prepared the short biographical sketch of Paul Jones, for the Edinburgh Encyclopædia, he appears to have had access to all the papers. Since that time a branch of one of the families has removed to America, and brought hither a part of the papers, all, it is presumed, which this branch had in its possession.

A few years ago, a niece of Paul Jones, who inherited from her mother the portion of papers that fell to her lot, made an overture to the Historical Society of New York to publish them. The negociation was not successful, but the manuscripts were sent out to New York for inspection, where they now remain in the hands of an individual in trust for the owner. They are fair copies, collected into four volumes, the three first of which relate chiefly to the part the author took in the American Revo-

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lution. The last volume is written in French, and is devoted wholly to his services in Russia. The contents of all the volumes are chiefly letters, and official papers, some of which have been published. To the first volume is prefixed a memoir of his life, but by what hand we know not. There is also a short narrative of the transactions in which he was engaged during the American war, but the substance of this is nearly the same as that, which he presented to the king of France. It is a mistake, however, which some way or other crept into the Edinburgh Encyclopædia, that Paul Jones has left anything, which can be properly called a memoir of his own life by himself. What is to be the destiny of these papers we are not informed, but they are obviously essential to any correct delineation of the life and character of Paul Jones.

In closing these hints, we cannot but repeat a suggestion made by us on a former occasion, that individuals, who possess manuscripts of public interest as affording materials for history, should deposite them in the archives of public institutions, where the chance of their being preserved will be much greater than in private hands. The example of Mr Richard H. Lee, author of the valuable biography of his grandfather, is in this respect worthy of the highest commendation. The numerous papers, which belonged to his grandfather, Richard Henry Lee, he has resolved to deposite in the library of the Philosophical Society at Philadelphia, and the papers of Arthur Lee he intends in like manner for Harvard College. Thus will these wise men, and warm patriots, speak to posterity through their writings, and the writings of their friends, which for many reasons it might not be expedient to publish in detail. As works of reference such collections will be invaluable to the historian; and members of historical societies, and of similar institutions, cannot exercise their influence or their industry in a more profitable way, than in gathering up from every quarter materials of this kind.

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ART. III.—*A List of Patents granted by the United States, for the Encouragement of Arts and Sciences, alphabetically arranged from* 1790 *to* 1820; *continued by Supplements to* 1826; *containing the Names of the Patentees, their Places of Residence, the Dates of their Patents, &c.* Washington, D. C. Printed and sold by S. Alfred Elliot.

The above work, though merely a catalogue of inventions and names, possesses an interest of the highest kind to an enlightened American citizen, and affords us an opportunity of calling the attention of our countrymen to the importance of the Patent Law, the influence it has had upon the practical industry of the nation, the present state of the system of granting patents, and the necessity of the law being revised and made more efficient for its original purpose. Our own attention has been awakened to these topics, by the following passage in President Adams's Message to Congress, at the opening of the last session.

'The laws relating to the administration of the Patent Office are deserving of much consideration, and, perhaps, susceptible of some improvement. The grant of power to regulate the action of Congress on this subject, has specified both the end to be obtained, and the means by which it is to be effected—"to promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." If an honest pride might be indulged in the reflection, that, on the records of that office, are already found inventions, the usefulness of which has scarcely been transcended in the annals of human ingenuity, would not its exultation be allayed by the inquiry, whether the laws have effectually insured to the inventors the reward destined to them by the constitution—even a limited term of exclusive right to their discoveries?'

Such a notice, coming from such a source, and at such a time, was sufficient proof that investigation was on some account or other indispensable. It is a little strange therefore, nay, not a little, that during a session, protracted to almost six months, Congress passed over this subject in silence and unconcern. They did indeed refer that part of the Message, as well as other parts, to a committee, at the commencement of the session; but such a reference of this, and many other important subjects,

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seems to have been of the nature of final interment. Much noise is sometimes made about the extravagant and useless expenditures in the executive departments of government; but do members of Congress forget, that they are not sent thither by their constituents, and handsomely paid, merely to make flourishing and accusatory speeches, but actually to *look into* and *examine* the state of those departments, rectifying what is wrong and supplying what is wanting? Can the almost total neglect of this be justified, by delivering long *tirades*, that cost the nation some four or five thousand dollars each; and calling for wagon loads of papers and documents, of no earthly use to any one when produced, except to the public printers in the pay of Congress? If, however, the great body cannot be brought to act promptly and efficaciously on the measures submitted to it, we cannot understand why the committees should not investigate, and report upon, *every subject* referred to them; the people would then at least know the state of things, and where blame or praise is due.

With respect to the Patent Office, it is not an incidental subject of their attention, the result of other powers which they possess; but it is specially and expressly confided to them, by the words of the constitution; 'to promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.' Such is the will of the sovereign people; and three great objects, relating to the *progress of science* were distinctly recommended by the Executive to the consideration of their representatives at the last session, the Patent Office, an Observatory for astronomical purposes, and a National University. Hardly the slightest notice was taken of either. We therefore feel it important to bring these subjects, in another form, before the nation. At present we can spare time and space only for the first.

The Patent Law was passed in the year 1793, during the presidency of Washington. It enacts for substance the following regulations.

'*Section* 1. Any citizen of the United States, alleging that he has invented any new and useful art, machine, &c. or an improvement upon such art and machine, which has not been known or used *before the application*, may petition the Secretary of State for letters patent bearing test by the President of the United States, and granting to such petitioner, his heirs, adminis-

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trators, and assigns, the full and exclusive right and liberty of making, constructing, using, and vending, the said invention or discovery, art, or machine, for a term not exceeding fourteen years. The letters patent, giving a short description of the subject matter of it, shall be delivered to the Attorney General of the United States, who is allowed fifteen days to examine the same, and if he find them conformable to law, he is to certify it at the foot thereof, and return the same to the Secretary of State, who is to present the said letters patent to be signed, and cause the seal of the United States to be affixed thereto; and the same shall be *recorded in a book* kept for that purpose, and shall be good and available to the grantee by force of this act.

'*Section* 2. A mere *improvement* on a machine already known, used, or patented, shall not give a right to make the *machine itself* which may have been formerly patented to another; neither shall the first inventor be at liberty to adopt the *improvement* without permission from the patentee.

'*Section* 3. The inventor must *swear* or *affirm* that he verily believes himself to be the true inventor; he must also make a written description of the same, clear and intelligible, and accompany it with drawings and models, if necessary, to be lodged in the patent office; so that a skilful person may be able to make the said machine, or other article, by the said description.

'*Section* 4. This section gives the power of assigning the patent right to others, provided the assigner duly records the said assignment in the office of the Secretary of State.

'*Section* 5. The forfeiture for invasion of a patent right, shall be at least equal to three times the price for which the patentee has usually sold such right to others.

'*Section* 6. But the defendant in such action for damages may plead the general issue, and if he shall prove that the specification filed by the plaintiff has concealed any part of the truth relative to said invention, for the purpose of deceiving the public, or that the thing was not originally discovered by him, but had been used, or described in some public work, before the supposed discovery by the patentee, or that he had surreptitiously obtained a patent for another person's discovery; in either of these cases, the patent shall be declared void.

'*Section* 9. In case of interfering applications, three persons are to be appointed as arbiters, whose decision as to the granting of the patent shall be final.

'*Section* 10. Actions to set aside a patent right must be brought within three years after the issuing the said patent.

'*Section* 11. Every inventor, before petitioning the Secretary of State to obtain a patent, shall pay into the treasury thirty dollars,

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and the money thus paid shall be in full for the sundry services to be performed in the office of the Secretary of State, consequent on such petition, and shall pass to the account of clerk hire in that office. Nevertheless, for every copy that may be required of any paper respecting any patent that has been granted, the person requiring it shall pay twenty cents for every hundred words contained therein; and also two dollars for every copy of a drawing.'

We have given a digest of the act, rather than a copy of all its words and provisions, both to save room and to render its features more distinct. An additional act, passed April 17th, 1800, extended the privilege of obtaining patent rights, 'to all aliens, who shall have resided for two years within the United States'; but declaring, that if it shall afterwards appear that the said invention, art, or discovery, so patented, *had been known or used previously to such application for a patent*, the patent shall be utterly void.

It is obvious therefore that *original invention, or improvement*, is the only thing contemplated by the law as entitled to a patent, whether that invention be by a citizen, or an alien resident in the United States; and that, failing to prove its originality, the patent right fails. It is, in fact, a reward given to stimulate the industry of mind; a wise provision to call forth the energies of the country in practical and useful improvements, without costing the national treasury a dollar; for every thing is paid for by those, who voluntarily avail themselves of the privilege held out by the law, and who again remunerate themselves, by selling a part of their acquired right to those, who are convinced they shall be profited by the purchase.

Under this law we are informed that four thousand patents have been obtained; and if it could be proved, (which we do not believe) that three fourths of them were for mere useless speculations, there would still remain a thousand useful inventions, distinctly and intelligibly specified and described by words, drawings, and models, applicable to almost every variety of human ingenuity and industry. But in fact there are two thousand models, ingeniously executed, and preserved in the model rooms of the Patent Office; a museum of the mechanical arts, as applied to the interests and labors of agriculture, domestic and rural economy, manufactures, and commerce. Bridges of various constructions, steam engines, boats, ploughs of every form, carriages of all kinds, bedsteads, chairs, chimneys, cooking appa-

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ratus, salt works, glass works, clocks, machines for making hats, shirts, and shoes, nail machines, slitting iron, brewing, distilling, carpeting, nautical instruments, mills to be moved by wind or water, locks, improved rigging for ships, window blinds, cotton presses, rice cleaners, corn shellers, pumps, rail roads, docks; all these are but a sample of the motley variety of models of improvements in the essential parts and features of those implements that are lodged in the office. We sincerely wish, that a more ample space could be allowed for their exhibition; and that instead of twenty or thirty models being crowded on a shelf not more than three feet long and half as deep, so that it is almost impossible distinctly to examine them, and observe their forms and proportions, they could be displayed singly on a series of proper shelves, in a building exclusively appropriated and sufficiently large for the purpose.

At this period, when schemes of general improvement occupy the public attention so much, it is particularly desirable that every thing that has been suggested, should be classified, and exhibited in a perspicuous and satisfactory manner, to the numerous visitors, from every part of the Union, transiently at the seat of government. It would form a valuable study, and afford the most important hints to many a perplexed projector. For the same reasons, all the patents should be distinctly, chronologically, and clearly recorded in uniform volumes, that they may be referred to and read, without creating needless trouble to the clerks, in searching out long forgotten papers; and, indeed, that the risk may be prevented of losing such altogether. It is gratifying to learn, that the present administration has ordered a system of this kind to be commenced. The previous neglect of it has been matter of astonishment, although it may be accounted for from the fact, that the business of the office was such, that the persons allowed by Congress for its tranaction were entirely inadequate to its labors. If, on account of this neglect, the laws do not effectually 'insure to the inventors, the reward destined to them by the constitution,' it is high time the matter was looked into and a remedy applied.

It is easy, however, to account for the apparent inattention to the details of this branch of the executive duties, and the time is arrived we trust, when it will no longer be permitted to remain in that state. The law made it the duty of the *Secretary of State* to issue patents; he is in fact, and to this day, the only *real* and *legal* superintendent of the Patent Office. In 1793, and for some

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time afterwards, this branch of duty was so trifling, that there was no necessity for either a distinct officer or building, to accomplish the purposes of the law. But the business gradually became more onerous, and it was found necessary to employ a clerk to perform the duties of this office exclusively; and out of courtesy he has been considered as the superintendent of the Patent Office. Still, however, the law recognises only the Secretary of State as the true superintendent, and other appointments are only viewed as clerkships, to aid in the discharge of his duties.

The space required by these duties became equal to all that was necessary for the other functions of the department of state, and a portion of the large building assigned for the general post office was appropriated for this purpose. Thus the state department has been, in a degree, disincumbered of details and operations, very incompatible with its other, more exalted trusts. But both this, and the patent office, have grown with the growth of the nation, and the duties of each have multiplied so thickly, that circumstances seem imperiously to require, that the Secretary of State should be more entirely relieved from the perplexing details of this office, locally separated from his own, and of a nature peculiarly incongruous with the other objects of his solicitude.

If, indeed, the suggestion so repeatedly made, of dividing the department of state into a home and foreign office should be ever carried into execution, then the Patent Office would fall under the control of the home department. But whether it be so, or not, it appears to us that the business would be much simplified, by placing the Patent Office on precisely the same footing in relation to the department of state, as the Register's and Auditor's offices bear to the treasury. Let all the business relative to the patents be transacted, from first to last, in the office itself, and accounts be regularly returned to the department of state, by the official head of the subordinate office. Besides the person, who has for so many years acted under the Secretary of State, as superintendent of this office, there has been another authorized by law for ten years; and a messenger was found necessary about five years since. In 1824 a machinist was added to take charge of the models, and keep them in repair; and, as the business of obtaining patents has increased with unprecedented rapidity, two more clerks, for extraordinary writing, have been employed, and paid out of the contingent fund, during the last year.

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To impress the necessity of reducing this important and growing office, to some regular and intelligible system of operation, we shall here state its progress for the last five years.

In 1821	there were issued	153 patents.
1822		201
1823		164
1824		204
1825		301
		1023

These patents, at thirty dollars each, produced a revenue to the treasury of $30,690. Yet, we are assured, the salaries of clerks, and contingent expenses in the patent office, did not exceed $4000 a year, leaving a balance unapplied to the purposes for which the money was actually paid of $10,000. Why, then, should any part of this business be neglected, or slovenly performed? That no falling off, but on the contrary a large increase, of the business of this office is to be anticipated, may be inferred from the fact, that a hundred and fifty patents were applied for in the first quarter of the year 1826; and there seems no reason to doubt, that at least four hundred will be granted in the course of the current year, yielding a revenue of $12,000. To meet this state of things, Congress will, doubtless, at the approaching session, make considerable alterations in the Patent Law. We will take the liberty to suggest what appears to us to be necessaay.

The Secretary of State should be relieved from the trouble of superintending this office, except so far as to receive an annual return of the state of the office from the actual superintendent, to be laid before Congress. The clerks in the Patent Office should be sufficiently numerous to discharge all its duties, without applying to another department, or its contingent fund, for extraordinary assistance which is altogether needless. What the requisite number may be, Congress will of course ascertain by their committee. But it seems to us that a superintendent will have enough to do, in receiving and answering letters, and transacting the money affairs of the office with the treasury. A principal clerk will also be fully employed in examining specifications, and reading and correcting patents before they are issued. Then for engrossing four hundred patents in a year, there cannot be less than two clerks required; and the same

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number, of course, for recording them. This will make two principal and four inferior clerks, besides the machinist and a messenger. This is the least augmentation that can be adequate to the current business of the office, and any increase of that business will require a larger establishment.

To prevent an error heretofore fallen into, we should suppose it necessary for the law to make it imperative, that every patent shall be duly recorded *before* it is issued to the patentee. We see no reason for that haste, by which we understand many patents have been hurried through, and issued on the very day they were applied for. Many evils arise from this precipitancy. And if there can be any danger from delay, it may be prevented by making it lawful to enter a *caveat*, to prevent any other interfering patent from superseding the one first applied for. In all cases *thirty days*, at least, should elapse, between the presentation of the petition and specification, and the issuing of the patent. There is no necessity for the present plan of sending them to the attorney general for examination, and to be certified by him as issued according to law. The truth is, that he can know, no more than any other man, whether they are issued according to law or not; and it is an undoubted fact, that all which have been issued, without being duly recorded, have been issued in violation of the law, the certificate of the attorney general to the contrary notwithstanding. The only thing he knows about the matter is, that the printed form with the blanks filled up, to which he has set his name, is the regular and legal form in which such documents are issued. But whether all other parts of the patent law have been complied with, is a thing of which he knows nothing. No one can imagine for a moment that he, with all his other important avocations, can read through in a day, specifications which frequently fill a score of sheets of parchment, embracing objects the most various and dissonant from his usual train of thought and action, and then pronounce any deliberate opinion upon them at all. This part of the Patent Law is a most objectionable and useless one, and the attorney general ought to be relieved from it.

The head of the Patent Office, whoever he may be, whether the Secretary of State, or any other person, is the proper officer for certifying that the patent is issued in all respects conformably to law. The signature of the President of the United States,

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of course, accompanies the seal, which stamps the instrument with legal validity.

There is a particular difficulty arising from the very first paragraph of the first section of the act, which we have cited above, that demands rectification; 'not known or used *before the application*.' What is the antecedent of this word *application*? We do not perceive that it has any. And although we may conjecture what it means, yet nothing in a law should be left to conjecture. What a noble field for litigation is here opened; and what a mass of property is involved in the consequences of judicial decisions on such ambiguous phraseology. Some patentees have valued their rights at many thousand dollars, and have actually sold them for as much; but if on an average they should not be worth more than four or five hundred dollars apiece, here is the amount of a million of dollars or more depending on the construction of an equivocal sentence. We need say no more. We are sure that this matter can remain no longer unrevised. In our free government, such usages as we have commented on, will not be suffered to prevail long in defiance of common sense and of justice.

If any of our legislators have been so mistaken, as to view the subject of this article as trifling, and unworthy of their serious attention, we trust they will soon see it otherwise; and that while they are bound by the constitution and laws to attend to the interests of the arts and sciences, and have funds placed at their disposal so much more than adequate to the object proposed, they will not suffer an institution so important to the cause of internal improvement, and so gratifying to a curious and intelligent public, to remain in disorder and insecurity. If it be thought advisable to erect a separate building, on the fireproof plan, for the better security of these valuable treasures of American genius, we believe it is only necessary for some member of Congress to call for the amount of moneys received from the Patent Office, and disbursed on account of it, to show that there is somewhere an actual balance quite sufficient for the purpose.

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ART. IV.—*Geschichte der Democratie in den Vereinigten Staaten von Nord America, von* JOHANN GEORG HÜLSEMANN. Göttingen. 1823.—*The History of Democracy in the United States of North America.* By JOHN GEORGE HULSEMANN.

THIS work, as far as its historical contents go, is a meagre compilation from Ebeling's Geography and History of North America. Its object is, to present the most unfavorable picture, which can possibly be borne out by a semblance of facts, of the origin, progress, and present state of the American institutions. In the earlier periods of our history, for obvious reasons, more impartiality is observed, or rather the libel is in those portions of the work composed with less relish. The author throws in his red pepper as he proceeds; till at last, not merely the seasoning but the entire composition of his dish, is borrowed from the hottest pages of Turreau, Bristed, Felix Beaujour, and other gentlemen of that cast. The performance is wholly destitute of merit, even of that of being tolerably well composed, with a reference to the object in view; for with all the curiosity, with which scandal is almost sure to be read, we would defy Sir Benjamin Backbite himself, to read any one chapter in this work, without a yawn. It possesses none of the sturdy, heart of oak defamation of the Quarterly; none of Blackwood's flippant insolence; none of the romancing calumny of the French libellers; but is a tame imitation of the Baron Von Fürstenwärther and the excellent Messrs Schmidt and Gall. In a word, it is the most narcotic lampoon we ever read.

We have been induced to notice it, not for the three or four hundred pages of text, of which it consists, and of which we have now given the character, but for the preface of some fifteen or twenty pages, which introduces it, and is apparently from a different hand. The author of the book purports to be a Mr Hülsemann, which is, being interpreted, 'a man of husks;' we incline also to the opinion that he is a man of straw, a fictitious being, fabricated to disguise the real personality of the author. The preface breathes the air of authority; it does not expressly claim an official origin; but there is a chancery pomp about it, which no one can mistake. It unquestionably came from the bureau of a minister, and from the pen of a first under secretary; and some starveling bookseller's drudge was hired to put the

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materials together, to which it is appended. In short, our readers may perhaps be surprised, after the sorry character we have given of this performance, and not more sorry than just, to hear that it is to all appearance a semiofficial emanation of the Austrian cabinet. The only consolation we lay to our souls, under the severity of its maledictions is, that in the opinion of this cabinet, *we* are no worse off, than the rest of the world; and that from the same lofty source, from which a libel is here pronounced on our entire character, and all our institutions, the University at Buda was told, two or three years before, that *totus mundus stultizat.* In this general fatuity of the human race, and of America in particular, it is a token of grace, that a Metternich and a Gentz remain to rule and counsel the nations. We propose to comment on a few of the propositions contained in this preface, for the sake of showing to the American public, from a source to which probably not many of our fellow citizens would have access, the opinions and principles, which actuate the continental governments of Europe. However absurd these opinions, however false these principles, they acquire a practical importance, when they enter into the springs of the policy of powerful states.

The writer of the preface, speaking in the person of the author of the work, says, that his object is 'not to give a civil history of America, but to direct attention to those events and to the prominent principles in the conduct of individuals, which illustrate the relation of the dominant policy of Europe to the prevailing principles of America.' In other words, as will presently appear, the author designs to show, that there is an essential hostility between the system of Europe and the system of America.

To this candid avowal of his object succeeds a more than candid avowal of the manner in which he shall pursue it. He tells us that he feels the less scruple, in thus avowing his design, as in all historical investigations, he recognises *impartiality*, as a duty only in reference to facts, but not in reference to principles. 'For impartiality, as it is called,' continues he, 'is everywhere but imaginary, inasmuch as those writers who set themselves up as a standard, which all must follow, assume as an axiom the principle of universal toleration and universal illumination, and consequently contemplate events under the influence of a partiality, resting on their own mode of judging them, if not on external circumstances.' We have quoted this scarcely intelligible trash, to give our readers a specimen of the court logic of the age. If

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it were worth while to combat it, we might say, that the writer knows nothing even of the seat of the quality, which he undertakes to define. He confounds impartiality first with veracity and then with probity. He admits the duty of impartiality in matters of fact; in other words he does not hold it lawful to tell downright falsehoods, in writing history; but he does not admit the duty of impartiality in matters of principle. We are willing to believe the writer a much better man, than this proposition would lead one to suppose. He means, that he does not think it right, under pretence of being impartial, to be indifferent on questions of principle. Certainly not; and what he disclaims as impartiality toward principle, is what decent men, in this part of the world, think it unnecessary to disclaim, it being dishonesty. Impartiality, then, in a historian, is freedom from that attachment to persons or interests, which leads a writer, by a strong bias, to attribute actions and principles the most unfavorable to those whom he dislikes, and the most favorable to those he likes. It is not a thing of abstraction, it refers not exclusively to actions nor to principles; but to both as ascribed to men. Perfectly impartial a man of strong feelings cannot well be; and all that can be hoped is, that a love of truth as strong, with a philosophical command of temper, will prevent all respectable historians from going far in attributing, without foundation, to the parties or the men they dislike, corrupt principles or bad deeds. The author of this preface, however, emancipates himself, by his jesuistical logic, from one half of this duty. He owns that, in matters of fact, he does not see his way quite clear to assert what is false of America; but as to matters of principle, he may say of us, what he pleases.

But we have, on the whole, the charity to believe, that the writer bewildered himself, in his attempt to deal with the idea of impartiality, and knew not himself whereof he affirmed; for we find him in the next paragraph, in pursuit of an entirely different train of thought; and as it contains the elements of his political system, we shall quote it almost entire.

'In the author's judgment, it is a duty to declare one's self expressly against that, which one regards as *evil;* and toleration, in such a case, so far from being a duty, is at best a weakness. From an European point of view, the prevailing tendency of things in America is *hostile,* and rests upon principles directly opposed to the entire basis of our civilization. The prevailing tendency in North America is in direct warfare with our religion, and with

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our monarchico-aristocratic interests and sentiments; and for this reason, the author can regard only as pernicious, whatever rests on a transatlantic basis. It would be a very erroneous inference from this candid confession, to see in it hatred toward North America as such. The champions of the prevailing European policy are content, if our continent be not infested with what belongs to America. So long as it remains beyond the ocean, we regard it only as alien to us. But we must resist it, if it endeavor to force its way into Europe; and if it present itself in a posture hostile and destructive to our first and dearest interests. No one would take it ill (to quote the most prominent representative of the prevalent principles of the North American republic), should General Lafayette, renouncing France and Europe, seek a new home in America, in order to find beyond the ocean, a political condition, which he has striven in vain to create in Europe. But he and, with him, all those who in France, in Spain, and in Western Europe generally, are known by the name of *liberals*, and who are all more or less in opposition to the dominant policy of Europe, are justly considered as the enemies of religion, of the state, and of social order; they are justly denounced, pursued, and punished as such; inasmuch as they have been striving, for thirty years, to destroy the religious and political institutions, on which European civilization reposes, and to give us up as a prey to general lawlessness, the consequence of the removal of all authority. With how much precision and with what severity, governments ought to proceed against these ruinous efforts, must be left to the wisdom of such governments; and prudence may suggest, in point of fact, a greater or less degree of moderation, according to the circumstances of the case. But it is only in reference to the application of the principle, that the idea of moderation can be admitted. The principle itself knows no limit, and cannot too sternly be upheld.'

A precious code of political law! We sometimes hear remarks in this country, by way of censure of a supposed disposition, in the friends of our free institutions, to lavish reproach on the governments and policy of Europe. Many very estimable, very narrowminded, and very ill informed good people are tired of what they call this jangling; they cannot bear to hear the old world abused; they think it discourteous toward friendly foreign states; and they are quite sure, the Europeans do not rail at us, as we do at them. We have translated the foregoing passage for their especial behoof. We translate it from a semi-official work; from a source of the first authenticity. It is de-

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sirable they should know, that those, who govern the destinies of Europe, proclaim that the prevailing tendency in America is directly hostile to the religious and political basis, on which the civilization of Europe rests; and that it is formally announced, that our great and good Lafayette and all, who with him, bear the honorable name of liberals, deserve to be denounced, pursued, and punished, as enemies of religion, of the state, and of social order. There is a pleasing and consolatory coincidence in reference to this proud and insolent denunciation, which we will not omit to state. It was made, as appears from the date of the book, in the year 1823, and consequently before the voyage of Lafayette to America was projected. What a noble commentary does his voyage and all its accompanying incidents furnish to the paltry malice, with which a price is here set upon his venerable head!

There is one reflection which forces itself upon the mind in this connexion; that the privileged orders in Europe are indebted to the doctrines of an enlightened *liberalism*, in other words, are indebted to the lessons of our constitutions, for *their* preservation. The spirit of the French revolution, that spirit which indeed breathed out threatenings and slaughter against the established interests of Europe, was the growth, not of liberalism, but of despotism. In the political, as well as in the physical world, the violence of the reaction is determined by the violence of the pressure. Govern men by force, and by force they must right themselves. A despotism without law cannot be reformed by law. If the people, in the ordinary constitution of the government, are never assembled by their elected representatives, it is impossible that the constitutional act of the representatives of the people should be the safe and pacific organ of reform. Before our example had proved the practicability of free institutions on a large scale, the only expedient for reform was to take the life of the sovereign and his favorites, and kindle a civil war, a remedy generally worse than the disease. Now the nations have found out, that reforms by constitutional law are infinitely more efficacious. Our revolution has taught this, in its successful issue; as the French revolution, the legitimate consequence of the despotism which had for ages preexisted in France, taught it by contrast and miscarriage.

The result has been, that in a state of extreme excitement; at a moment when all Europe, after the downfall of Bonaparte, was in arms; and when a solemn promise, at least of the Ger-

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man sovereigns, authorized their subjects to demand the introduction of representative governments, a promise that has been either in the letter or in the spirit, and sometimes in both, flagitiously violated; still no violence has taken place. The embattled nations have laid down their arms; a whole generation of young men, with Waterloo medals at their buttonholes, have gone peaceably about their business; and are content to wait the fulness of time. Whether it will ever come, depends upon the sovereigns and governments, who have now to show a discretion, commensurate with the moderation of their subjects. If what this writer asserts be indeed true, that the institutions of America are in deadly hostility to those of Europe, it deserves the consideration of the European governments, what will be the result of the comparison, which their subjects will make of their own condition with ours. Permanently concealed from Europe it cannot be, that a system of representative republicanism is here in happy operation. Such is now the state of literary communication, the sluiceways of knowledge (to borrow a phrase from the late Mr Adams) flow so full and strong, that this fact will soon be known in every cottage south of the Vistula. Mr Hume tells us (though we fear not truly), that all government is of opinion, since the mass of the people, having the physical force, would not submit to their governors, but from choice. If this be indeed so, and if the contrast of our institutions with the European be so violent as this author states, what hope can there be that the people of Europe will much longer *be of opinion*, that it is better to be governed by a few exhausted families, than to govern themselves? It seems to us that there is no hope, and the governors of Europe have, more than any one else, reason to rejoice, that a way is shown them, by which, if they will but adopt it, that change, which must take place, may be brought about, not by bloody revolution, but by constitutional legislation.

In the following paragraph of this preface we find the avowal of doctrines, which it becomes the American statesman to remark; regarding them, as they are, as the suggestions of a court allied by marriage to that most extraordinary phenomenon, the empire of Brazil.

'The ascendancy of the democratic party in America, which has been decisive since the beginning of this century, and which is daily increasing, is not to be deplored by us, chiefly because it annihilates all the hopes, which may have been excited for that

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country, by men like Washington and Hamilton. But this ascendancy is especially disastrous for Europe, for the firm support thereby afforded to the cause of revolution. For this very reason, it is highly desirable for us, that, *at least in other portions of the New World, institutions should be preserved or established, more nearly in accord with our own,* to serve as a counterpoise to the prevalent policy of North America. This is the point of view, from which we ought to contemplate, what is commonly called the struggle between Europe and America. The liberals in France and the radicals in England are to be considered, in different degrees, the advanced guard of the transatlantic army, and we may regard it as a good omen of victory, that we are able to force back the van of the enemy, and to carry the war into his own territory.'

In other words, as a happy expedient to prevent the contagion of our institutions from spreading, monarchical institutions are to be preserved or restored in the Spanish American colonies, and the republics of North America are mean time to be the theme of systematic defamation. The first part of this suggestion deserves a moment's consideration. It comes from the only court in Europe, except the Spanish and Portuguese, which has a direct family interest in South America; and it was thus thrown out to the world, at the time that intrigues were going on to establish the United Provinces of la Plata as a monarchy under a French prince; and to create a member of the Spanish family the emperor of Mexico. Contemporaneously, as is well known, an effort was made, by the Spanish government, to engage the continental alliance, to furnish the force requisite to resubjugate the colonies. France was to have been bribed with the throne of La Plata, and Austria was enlisted in virtue of her family connexion with Brazil. Could the means have been found of engaging Russia, and conciliating England, unquestionably a war would have been kindled between the two hemispheres. Happily for the peace of the world, England declared, that such a movement should be the signal, with her, for an immediate recognition of the new states; and the late administration of our own government declared to the world, in the famous message of Mr Monroe, of December, 1823, that a crusade expressly undertaken against republics would unquestionably attract the consideration of the Congress of the United States of America, as an enterprise threatening us, as well as the immediate objects of it. There is no doubt, that this united expression of the feelings of the English

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and American governments had great efficacy in arresting in its inception the projected movement in Europe. We have thought it worth while, thus to dwell upon the expression of the writer before us, to show that France and Spain were not the only courts, to which the preservation and the erection of monarchical institutions in America had presented themselves, as great objects of policy; and also that these objects were avowedly pursued, in order to afford a counterbalance to the influence of the United States of America. These facts ought to be borne in mind by the American statesman, who would come to an enlightened conclusion as to the zeal and vigilance, with which we ought to cherish that sympathy between ourselves and our sister republics, for which so solid a foundation exists in nature.

The writer proceeds to observe, 'that the question has often, with propriety, been asked, why the *liberals*, those malecontents, do not at once renounce OUR continent, to which, by their interests and their character, they have become alien?' After observing that discontent with home has always been the great principle of colonization, and that a great majority of the emigrants to North America, in every period, have gone out from that principle, he sums up with the observation, 'However different the character of the various classes of emigrants, they all agree in the common character of dissatisfaction with the relations existing in the mother country, be that dissatisfaction religious, political, or personal.'

'Why do not these malecontents renounce *our* continent?' OUR continent?—But we will let that pass; because we might not express the feelings which the phrase excites, without falling into a tone too harsh for this place. We will give some reasons, however, why the malecontents do not renounce '*our* continent.' It is not a very easy process to renounce a continent. An ocean is to be crossed; a foreign land explored; and a new settlement made. These are all expensive, and beyond the means of vast numbers, who would gladly renounce 'our continent.' Let the writer of this preface read the work of Mr Gall, or that of the Baron Von Fürstenwärther, and there behold a picture of the distress incident to renouncing a continent, enough to move the heart of a minister, or his secretary. We venture to quote from a former number of this journal a single passage.

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'At Dusseldorf our author received information, with regard to the unfortunate emigrants, who, three years before, had left Germany for Holland, without any mode of supporting themselves in the Dutch ports, and finding no means of procuring a passage for America, were obliged, under circumstances of the extremest misery, to return. He says

"Many, unwilling to admit the necessity of returning, remained still in the neighborhood of the Dutch cities till the approach of winter. At last, violently undeceived, they set out on their return. Half starved, covered with rags filled with vermin, and from the total prostration and wasting of strength scarce able to creep on, they arrived in the neighborhood of Dusseldorf. And yet it was out of the question to afford the most miserable any repose, for it was necessary to hurry them forward, to make room for those that followed. Those, who could not march, were sent on in wagons. Almost every family had lost one of its members. An unhappy father of seven children, of whom the oldest was scarce twelve years, had become insane at the loss of his wife. 'I want nothing,' was his constant cry, in his delirium, 'I want nothing, but a little bread for my poor children. One loaf, yes, *one* loaf, I have only earned *one;* but the poor worms cannot get their fill of that, and leave some for me to eat and be strong enough to work tomorrow for another.—See! look there! Three big, big dogs! See how they eat! O how they eat their fill! O God! God! let my poor children only eat their fill once! Shall we go to America? Oh yes, to America; there, there is plenty of land—all belongs to God—there I shall have a great, great field—and there we 'll raise the corn and potatoes, and eat as much as we want!'"'*

But this is not the worst. Recollecting always the source, from which the remarks under consideration proceed, there is a malice as well as an unreasonableness in them, which deserves severe reprehension. 'Why do not the malecontents leave Europe?' Because the governments throw all possible obstacles in the way of their departure. Do they not pursue them with a claim of inalienable allegiance? Even in England, was it not till two years ago penal, for any man of that class, from which alone most of the emigrants would naturally proceed, the mechanics, to leave his country? In the German states, an enormous tax, we believe twenty per centum, is levied upon every transfer of real estate, made by an individual, who sells his pro-

* North American Review, No. XL. Vol. XVII. pp. 110, 111.

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perty with an intention to emigrate. And yet the official agent of one of these governments very cooly asks why, if the malecontents do not like the country, they do not leave it. With how much justice might the question be retorted. War was carried on in Europe for one generation, for the purpose of seating a single family on the throne of France. With how much reason might the French people say to this family, You are but one family out of nine millions of families of Frenchmen. You are dissatisfied with our actions, you are unwilling to live with us on a footing of equality. You are unwilling to submit to the man whom we prefer as our ruler. Why do you not leave us in peace, and go and live elsewhere? In this expostulation there would be a world of good sense. And for ourselves, we know not what the hearts of the men are made of, who could consent that their own country and every other country in Europe should be wasted with a thirty years' war, in order that one of themselves should be placed on a throne, for which sickness, want of energy, and old age unfitted him. But how the men, who have been leaders in the great counsels of restoring one family, at an immense cost of happiness and life to all the rest, can seriously call upon the great body of liberal politicians, as a simple matter of duty, to emigrate, we cannot comprehend.

The only other topic in this preface of importance is one, that regards the composition of society, in America. The writer infers from the mode in which America was peopled, and from the nature of our institutions, that we are all, as he calls it, of the *third estate*. What the writer means is true enough; that we have no clergy, endowed by the government, and no hereditary nobility, constituting a first and second estate. But why this makes the aggregate of our society the *third* estate, may not be so clear. If there be neither a first nor a second, we perceive not how there can be a third. There is then but one estate; that is, every citizen enjoys an equality of political right, and all the consideration, which his character and standing give him.

We should not have been at the pains to rectify our writer's statement on this subject, did we not apprehend that the practical application of the truth, that we have no division of orders in society, has not yet fully been felt and made, even in this country. During the period which elapsed between the overthrow of the British government in the United States and the establishment of the various systems of government, in the various states of the Union, there was a pretty strong current, in favor of the

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proposition, that there is, in the nature of human society a foundation for the threefold divisions of the *one*, the *few*, and the *many*. If this be taken merely as the enunciation of the proposition, that the various functions of government ought not to be collected into the same hands, it is a safe doctrine. But it is known to have had, in the minds of many, a far more extensive application; and to have led to the adoption of some provisions in most of our forms of government, which may hereafter appear not their most useful parts. On this great topic, we will not now enlarge. We will only state two authorities, deserving the consideration of the reader. Mr Burke argues against the principle, which forms the basis of the senatorial representation of Massachusetts, with great vigor, and, as we think, great success; although some of the arguments, which he presents against that principle, in the French republican constitutions, do not, we own, apply to us. Mr Jefferson has expressed the opinion, that the unlimited negative of the Senate is a defect in the constitution of the United States. We have, however, given more space to this German writer than anything in the nature of his performance requires; and we leave the effectual refutation of it to time and the steady progress of liberty and truth.

ART. V.—*Cuerpo de Leyes de la Republica de Colombia. Tom. I. Comprende la Constitucion y Leyes sancionadas por el primo Congreso Jeneral, en las Sesiones que celebró desde el* 6 *de Mayo hasta el* 14 *de Octubre de* 1821. 4to. pp. 267. Bogotá.

THE constitution of Colombia resembles, in many of its great features, the constitution of the United States. Some of its most valuable provisions are copied almost literally from it. The executive power is confided to an officer bearing the name of President, elected for a limited time; a vice president is chosen to discharge the executive functions, on the death or resignation of the first officer. The legislative power is vested in two branches, each possessing, on all subjects purely legislative, a negative on the proceedings of the other; and both are elected for limited periods. The judicial authority is confided to a se-

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parate body of magistracy appointed during good behavior by the Executive, with the advice and consent of the Senate. In these respects, which give the popular representative name and character to the two governments, they are alike, as they are also in many of the minor provisions, designed to give effect to these fundamental articles.

But there is one respect, in which the forms of government established by the two republics is so essentially different, that they cannot be considered as entirely bearing a common character, or a common name. The government of the United States is a confederacy of States, each reserving to itself unlimited powers of legislation on most local subjects, and on all subjects, of which the control has not been clearly surrendered, and maintaining distinct local legislatures for the exercise of these powers; they also have their Executive and Judiciary in full exercise of the ordinary functions of those departments. The federal government has the powers, which are granted by enumeration; these are generally such as apply to foreign relations, and general commerce. The government of Colombia is central, or consolidated. All the powers of legislation are confided to a single central legislature. There is nothing corresponding to the states, or local governments of the northern confederacy. The republic is divided into departments, and has also smaller subdivisions for the purpose of more convenient internal administration, but every officer is indebted for his authority, and owes responsibility, to the great central power, residing in the national metropolis. While the Congress of the one possesses all legislative power not expressly excepted, that of the other has none, which is not granted in a manner equally clear and formal. While the subjects, on which the one can operate, are as numerous and diversified as the wants of civilized society, those of the other are limited and specified. In the constitution of the United States, enumeration grants power; while, in that of Colombia, enumeration fixes the boundaries of a grant otherwise unlimited.

The patriots, who were assembled to frame a government for the Colombian Republic, met at a moment of anxious trial. The enemy was within the country; the patriot troops were unsubdued, but they were undisciplined and unpaid; the treasury was empty, and credit there was none. It may readily be believed, that no men ever assembled under circumstances less favorable to mature deliberation, and where there seemed to be less prospect of a judicious and happy result. From within, they had no

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experience but what seemed to guide, and even to drive them to consolidation; from without, they had the light, which the constitution of the United States gave them. They made use of both, in the way in which the sense of pressing danger at home, and the high reputation of the federal constitution, induced them to believe was best for their country. They adopted the plan of a *central government*, borrowing from the constitution of the United States most of the important provisions, which could be engrafted on a government of that form. In some of these provisions, the southern statesmen have made improvements, which might be wisely adopted by the elder republic, while in others, they have manifestly fallen below their great original. These points of difference will form the subjects of some remarks as we proceed.

The form of government, ultimately adopted, was not the object of first preference, with those who guided the revolution in its early stages. Two controlling reasons led them first to the confederate form; the one was the brilliant example of the United States, and the other was the fact, that the confederate form would preserve to the provinces the separate independence, which many of them had declared. The present government was adopted under the firm belief, that the disasters, which had attended the revolutionary efforts, resulted in a great degree from the plan of association among the provinces before in existence, and that similar dangers could be averted only by the formation of a strong single government. Whether this opinion was well founded, or not, can now be no more than the subject of speculation; but to one, who has acquired a tolerably accurate knowledge of the state of things then existing, and particularly of the moral and political condition of the country, it is difficult to resist the conviction, that any other plan, than the one adopted, would have been extremely perilous.

The course, which the revolutionists have pursued from their first revolt, to the adoption of their present constitution, has been a gradual but constant march from the circumference to the centre of a circle. From the idea of independent governments, almost as numerous as the provinces in the country, they have gone successively, under the sense of the necessity of concert, through all the intermediate stages, to the adoption of a central government, and have suppressed all kind of authority not flowing from it. Not only in the countries now forming the Republic of Colombia, but in most other parts of Spanish America, the

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first efforts towards independence were made by local, or provincial assemblies, seldom representing more than one or two small provinces, and sometimes not more than a single city. This was the necessary effect of existing circumstances. There was no such interchange of views, or of intelligence, between different parts of the country, as permitted the necessary agreement for assembling a congress of the viceroyalty, or of any large district. All seemed to be acting under one common impulse, yet it was an impulse not produced by concert, but by the simultaneous operation of a great common cause.

The next succeeding effort, after a declaration of independence, was to procure a general meeting of delegates, from the several revolting districts, to maintain the independence, which each had declared separately. But in some cases, in Colombia, each province designed to maintain its independent sovereignty, and to coalesce with others only for the purpose of expelling the common enemy. Entirely in this spirit, and with these views, Cundinamarca, Popayan, Carthagena, and Venezuela, declared themselves independent states. This disposition towards a federal union was universal; but the idea of a federal government, with some of them, extended only to a temporary one, which should expel, or subdue the enemy in the war, and leave to each its independence on the return of peace. An alliance offensive and defensive resembled much more nearly their conceptions of the nature of the connexion to be established, than any known form of government did. The idea of a permanent federal connexion soon succeeded, but with very vague and indefinite views of the nature of that connexion, or of the nature or amount of the power to be surrendered to the general government. The first formal union of the revolted provinces, took place on the seventeenth day of December, 1819, at Angostura, on the Orinoco, eight years after the royal allegiance was disavowed, during which time the war had been raging throughout the country. This was a union between the viceroyalty of New Grenada, and the captaingeneralship of Caracas, or Venezuela. The provinces, composing these two extensive districts, had previously abandoned their views of separate independence, and had become parts of the viceroyalty, or captaingeneralship, of which they were provinces under the ancient government. But this change of views and surrender of sovereignty, on the part of the provinces, were not in every case evidenced by any formal act; it seemed to come from the necessity of things, and they sent

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deputies, and received orders from Caracas, or Bogotá, the seats of the new, as well as of the old government, without referring to, or seeming to remember, their solemn declarations of independence and separate government. Indeed, in some cases, no attempt was made towards maintaining that distinct independence, after it was declared by the provincial meetings; the powers of the deputies seemed to cease after that act, and the meetings were dissolved, as if everything was done; in other cases, where there was better concert among the chiefs, or greater confidence in their ability to resist the enemy, the appearance of independent action was longer maintained.

This fundamental act of union, between these two great departments, did not however yet designate the nature of the government to be established by them; it provided only for a temporary government, and the convocation of a general congress to form a constitution for the new republic created by the union. Very few of the chiefs, at that time, entertained views of a government, such has as been since adopted. When the necessity of union first became apparent, the minds of all led them to a confederation of states, or provinces. The example of the United States, and the glorious success of their efforts, had been heard of by all, and was too brilliant not to be admired. The example was recent, successful, and well known. It could not fail to produce a very general confidence, that it would succeed wherever applied. If there were any then, who saw in the different situations of the two countries, and in the different character of the population, any reasons to doubt the success of the same experiment in Colombia, they had but little success in communicating their opinions to the mass of those, who were the principal actors. The great facts only of the North American revolution were known or attended to.

The provinces, in the original renunciation of the royal authority, were influenced not only by a wish to throw off a distant and oppressive allegiance, but some of them by the desire of assuming the power and dignity of self government. The idea of assuming merely a provincial attitude, under any new form, was certainly not the first or favorite one. And although it cannot be affirmed, that a different course would in any case have been pursued, it may be safely asserted, that the zeal, which quickened many of the South American patriots to proclaim independence, under circumstances extremely dangerous to their lives and fortunes, would have been much abated, if the opinion

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had prevailed, that they, with their provinces, were to become only parts of an empire, whose metropolis was distant, and in which they could only have a remote and partial share of the power and the honors of government. The time had not then arrived, in which it was possible to believe, that half a dozen provinces could not, without some controlling common authority, act sufficiently in union to sustain themselves against their enemy. All the predictions of defeat and disaster, under a connexion so frail, where the duties of each were loosely defined, and ill understood, were answered by a reference to the success of the United States, and to that confidence in self exertion, which is inspired by valour and patriotism.

Everything connected with the physical aspect of the country seemed to suggest the idea, or indeed impose the necessity, of independent action. Rivers long and broad, mountains lofty, and passable only at few and distant points, with wide spaces of uncultivated and savage territory, had made the inhabitants of the different parts of the country strangers to each other. There never had been, under the former dominion, any of that intimate association between the different provinces, which internal commerce and good roads would have produced, and which would now have contributed to unite the people, and cause them to look upon themselves as members of the same family. The Spanish policy had ever forbidden intercourse between different parts of the colonial dominions. No instance can be adduced, in which the inhabitants of one portion of a country had so little knowledge of the population, resources, or general statistics of any other portion, subject to the same common government, as those of the late dominions of the King of Spain in South America. There was very little communication, either for purposes of internal commerce or social intercourse. It was not believed that a loyal subject had any business away from his home; and no one, unless he was a civil or military officer, was permitted to travel beyond his canton, without the strictest interrogation as to his motives and business. It is, however, probable, that some of those very causes, which at first fostered the idea of separate and independent efforts, arising from the difficulty of communication between remote parts of the country, and the consequent tardiness in the arrival of intelligence, were those which at last demonstrated the necessity of a closer political union, and strengthened the conviction, that unless the disastrous effects of these physical circumstances could be obviated, by the estab-

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lishment of a common central power, the patriot forces would be destroyed in detail. At what time the chiefs of the revolution became convinced, that their plan of government must be changed, is not known.

It is obvious, from the speech delivered by Bolivar to the Congress of 1819, that he then contemplated a government somewhat like the one since adopted. Very few, however, if any, of the political or military leaders, came to that conviction by any previous course of reasoning; the misfortunes of defeat, where there was no concert in action, and where hatred towards the enemy had not yet calmed in the chiefs all jealousy of each other, produced at last a general acquiescence in the necessity of forming a common government, which should control and direct the efforts of all. That general acquiescence resulted in the establishment of the present constitution. This happy event did not take place, until ten years after the commencement of the war, marked by alternate victory and defeat.

The Congress of Cucutá, generally denominated the *Constituent Congress*, assembled in the month of May, 1821, and concluded and published the constitution on the 30th of the succeeding August. Of the different opinions entertained by the members, on their first assembling, as to the nature of the political fabric to be erected, there is no written or certain account. It is understood, however, that the members were divided into three parties; first, those who preferred the form afterwards adopted; secondly, those who wished for a federal form resembling that of the United States; and thirdly, those who desired to establish a government somewhat like that, which existed in the United States under the articles of confederation. The advocates for this last scheme were few in number, and composed of such only, as still maintained the opinions common at the commencement of the revolution. It soon appeared, that a large majority favored a central, or single government; and it can hardly be doubted, that in the moral and political state of the country, great wisdom was shown in this opinion. The present constitution was adopted with almost entire unanimity. It was agreed to by many, who preferred the federal system as a permanent one, under the idea that this was necessary, during the continuance of the war, and that the return of peace would enable them to establish a different and more perfect form. To give this opportunity of judging by experience, and under circumstances more favorable for deciding wisely, what form

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of government would be best suited to the people, a clause was introduced, which directs that after ten years, 'when all the advantages and inconveniences of the present constitution shall have been discovered, a grand convention of Colombia shall be convoked by the Congress to examine it, or reform it entirely.' *

The example of the United States had a most extensive and happy effect, in diffusing among the people of South America a love of political independence, and a confidence in their ability to maintain it; but it is certain, that the successful issue of the North American revolution, attained under the feeble government of the *Confederation*, had for a time an injurious effect, in the countries now composing the Colombian Republic, as it produced the unhappy and mistaken notion, that a similar result might there be attained under a similar government. This cause unquestionably conduced, with others, to delay the period at which an effective one was adopted.

This part of the great North American example would lead to disaster in every case, in which it should be relied on by *Spanish Colonists*. A serious difficulty would present itself at once, in the ignorance of the practical details of government. In South America, so far from there being any regular legislative body in each province, there was certainly not one individual, who had ever been a legislator, and probably not a dozen, who had ever seen a representative assembly in session. It would have been necessary, not only to institute the general government, but also to create the state governments, and, indeed, to create the materials necessary to constitute them. In North America, it was only necessary to unite the previously existing states by one general tie; in the South, they must have been first made, and then united. It is by no means certain, that these state sovereignties could have been instituted at all, and put in the proper exercise of their functions, during the war; but it is most certain, that with the materials, out of which they must have been formed, the whole machinery would have been of the rudest kind. These newly created legislatures would neither have had the skill, nor the necessary weight with the people, to give effect to their decrees. There were in the

* Despues que una práctica de diez ó mas años, haya déscubierto todos los inconvenientes ó ventajas de la presente Constitucion, se convocará por el Congreso una gran convencion de Colombia, autorizada para examinarla ó reformarla en su totalidad. *Art.* 191.

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provinces but few persons, who had any familiarity with the principles or forms of legislation; and most of those, who were at all familiar with the forms of any kind of government, had gone off, or were in arms against the patriots. In the few cases, in which such persons remained, they were objects of distrust rather than confidence. It would have been difficult to create any local authorities, corresponding with the *States* of the North, and entirely impossible to make them correspond in anything but in name.

While this consideration of the subject was conclusive, with the Constituent Congress of Colombia, against the adoption of a government similar to the confederation of 1778, it was as justly conclusive, as things then stood, against a federal government under any form. In North America the only question was, Shall we unite the existing states under one common and federal head, or shall we consolidate them in one central government? But in Colombia there could be no such question; the only one which could be asked was, Shall we first make the states, and then unite them by a confederation? If these local sovereignties had not existed in the North, before the Revolution, nothing could have been more difficult, nor indeed more perilous, than an attempt to create them during the continuance of the war; and it is not likely, that such a design would have been entertained at all before the return of peace. It is not then to be wondered at, nor to be regretted, that the statesmen of Colombia did not attempt, during the raging of a civil war, to create a federal government; an attempt which would have involved the necessity of creating, at the same moment, all those subordinate powers, which, in the United States, had been the growth of two centuries. It must here be noticed, that although several of the provinces, in the territories now composing the Republic of Colombia, had, by meetings of the principal persons, declared themselves independent, still no legislative body, or regular government, was ever formed; in some cases, those who proclaimed independence never assembled again, and in others, they were the representatives only of the capital, while the country, jealous of the little authority assumed by the provincial metropolis, refused to send delegates.

The operation of the government, under its present constitution, has been thus far happy and successful. The public enemy has been expelled, and tranquillity has prevailed throughout the country. From the recent temporary movements in Venezuela

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we apprehend no serious consequences. Considering the imbecility of Spain, and the strength of some of the departments of the republic, partial successes might have been expected, and no doubt would have been obtained against the enemy by provincial enterprises, without any form of general government, but final success would unquestionably have been retarded, perhaps endangered; and even yet some of the provinces would probably have been in possession of the Spaniards, if the present government had not been established. With the advantage of this concentrated power, simultaneous and successful efforts have been made against the enemy, at Porto Cabello on the Atlantic, and at Guayaquil on the Pacific, positions more than four hundred leagues distant from each other.

The party in Colombia, denominated the *Federalists*, is numerous, and composed of some of her most intelligent and worthy statesmen; and they look with some anxiety for the arrival of the period, when a convention is to be organized to take the form of government into consideration. All seem to assent to the propriety of letting the subject rest for the constitutional period. A little impatience has been manifested in Venezuela. The citizens of Caracas, who once saw their city the residence of a captaingeneral, and possessed of all the power and privileges of a metropolis, are not wholly reconciled to the condition of being deprived of everything resembling their former political consequence, and are almost universally the advocates of a system of confederated states, or departments. This opinion prevails also in Quito; nor can it excite surprise, that the inhabitants of those departments having cities, once the seats of political power, should not willingly see themselves so completely reduced to provincial insignificance. But if their views have been correctly represented, the system of government preferred by them would be the most unhappy, which could be devised. It is understood to be their favorite opinion, that the state should be divided into three great departments, corresponding with the ancient divisions under the Spanish government, that is, the viceroyalty of New Grenada, the captaingeneralship of Caracas or Venezuela, and the presidency of Quito; and that the chief cities of each should be the seats of the local government. Whatever danger there may be of a separation between the different parts of the republic, this would certainly be fostered and increased by such an arrangement; as thereby three great states, not very unequal in population and territory, would be created.

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A more extended subdivision, one which would correspond in some degree with the states of North America, could alone be adopted with safety. In any division, making no more than three distinct departments, each would bear in strength and population too great a proportion to the general government. The difference between the whole and the parts should be much greater. The most judicious statesmen of Colombia think, that there can be no danger of separation, but from Quito or Venezuela, and that such danger would be greatly increased by constituting them single states; they consider it desirable to render them weaker and more obedient members of the confederacy, by subdividing them into several states. It is understood that those of the Federalists, who prefer the more minute division, also prefer to have the government remain in its present form, rather than be changed into one, which should provide for three state governments only.

There are other points of difference between the constitutions of the United States and Colombia, which, although on important subjects, are not such as affect the general character of the governments, like the one just mentioned, but such as may afford interesting matter for examination and contrast.

In the constitutions of both, the power of declaring war is vested in the Congress. This act of sovereign power, involving greater expense of money and of human life, and every way involving greater responsibility than any other, which can be performed by a political assembly, is submitted most wisely to the whole body of the legislature. It was justly thought, that it would be in vain to withhold from the Executive, many of those branches of authority, which all free constitutions concur in denying to it, if this great power, embracing so many minor ones, and frequently producing consequences endangering the permanent happiness of the people, were surrendered to it. But, nevertheless, most of the reasons, which go to show the propriety of confiding to the Congress alone this high act of declaring war, show, as conclusively, that the power of making peace should be lodged in the same hands. Indeed, the one seems almost a necessary consequence of the other. An authority to place the nation in a state of war, and the authority to judge of the propriety of continuing it in that state, seem to be inseparable branches of the same power. The framers of the constitution of the United States have thought otherwise. While they have given the power of declaring war to the Congress, representing

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the whole body of those who have to pay and fight, the policy of continuing the war, the treaty making power, as it is called is submitted to another tribunal, to the President and Senate. These, without consulting the House of Representatives, may impose on the nation a peace, and any conditions of peace, which their judgment, or caprice may dictate. And this may be done at any time after the declaration of war, before any of the ends are attained for which it was declared. The merit of superior wisdom and prudence is due to the constitution of Colombia, which submits the ratification of every treaty to the Congress, thereby avoiding the inconsistency of giving to one department the declaration of war, and to another the power of determining the propriety of continuing it; and avoiding also the collisions to which it may be justly feared, this distribution will ultimately give rise. In the whole range of legislation, there can scarcely ever occur any subjects more important, than those usually embraced in treaties. The commerce, the navigation, the entire interests of the nation may be regulated by them; a new direction may be given to the policy of the government, and the dearest interests of the people may be put in jeopardy by the terms of a treaty. A bill for erecting a lighthouse, or establishing a post road, cannot pass, except by the authority of the three branches of the legislature, exercised under its most tardy forms; and yet a treaty, involving more than the legislation of a whole session, is negotiated, concluded, and becomes positively and irrevocably binding on every member of the state, without the assent of his immediate representatives.

When the power of concluding a treaty, and judging of the terms of that treaty, which, when ratified, is the supreme law of the land, is exercised by the Executive, the legislative authority is deprived of one of its most essential attributes. Treaties frequently stipulate for the payment of large sums of money, or express conditions, the fulfilment of which requires new and extraordinary burdens on the people. If the legislature is under a legal or moral obligation, to raise the sums necessary for fulfilling such conditions, then it is deprived of the very power, which all free constitutions have designed to entrust to the legislature only, the power of raising public money, and judging of its disbursement. The constitution of Colombia does not exhibit this inconsistency. By giving to the Congress the treaty making power, it has rendered the whole system simple, safe, and consistent. The same authority, which gives the final ratification to a treaty,

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passes the necessary laws for complying with its conditions. There is no resort necessary to one tribunal, to redeem the pledges of the public faith made by another; the case cannot occur, in which the popular branch of the legislature may be called on to comply with the stipulations of a treaty, the time and conditions of which, it may deem utterly hostile to the public interests.

It has been urged by some, that although true wisdom suggests, that we should oppose as many obstacles as possible to a declaration, which changes the attitude of a nation from peace to war, yet in returning to the state of peace, every facility should be given to the ratification of the treaty, by causing the consideration of it to pass under the ordeal of a single tribunal only. This, if true, would apply only to treaties simply of peace, whereas it is well known, that many others are negotiated and concluded, which impose burdens, and create taxes, but little less oppressive than those produced by war. The history of all ages declares to us, that the terms of a peace are frequently regarded as worse than war, and of course lead again to it, by the necessity of getting rid of the terms. But it may also be readily seen, that a war may be prolonged, and a peace, instead of being more easily obtained, may be postponed, by depriving the popular branch of the Congress of all agency in negotiating and ratifying the treaty; for in that way much of its just influence in procuring the treaty, and determining when the true ends of the war have been obtained, is lost. It may be said, that the war cannot be continued against the sense of the House of Representatives, in as much as that body may deny to the Executive the means of carrying it on, and thereby ensure practically its own proper influence in the government; but this would only go to show the superior simplicity and excellence of that constitution, which effects its objects directly, and not by compelling one branch of the legislature to come in collision with another.

No impediment is created in the negotiation of a treaty by multiplying the tests, to which it is to be subjected for its final ratification. The negotiation will be in every case conducted by the executive department, through its diplomatic agents, without any embarrassment from the authorities, which are ultimately to decide upon it. The treaty will be presented to the Congress for their decision, only after it has passed through all the ordinary forms. The language of all treaties declares on the face of them, that they are subject, for their final validity, to the ratifi-

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cation of the sovereign power at home; there can be no delusion on the part of either contracting party. All treaties concluded by the authorities of Colombia declare, that they can receive their final obligation only from the assent of the President and Congress. In practice no inconvenience has yet arisen; the Congress has exercised its power of rejection in one case only.

The framers of the constitution of the United States seem not to have given to this high power, that prominent importance, which its true character demands; they seem rather to have considered it as incidental to the executive power, and to have supposed that all the necessary guards were placed, when it was enjoined that the Executive should act only with the advice and consent of the Senate. In the old governments, the ratification of treaties had always been deemed a power peculiarly belonging to the person of the chief magistrate; and the constitution of the United States, while, in requiring the acquiescence of the Senate, it shows an improvement on the ancient usages, does not yet seem to have attached to that power its true character. It was viewed under a different aspect by the statesmen of Colombia; instead of regarding it as a necessary and harmless appendage of the executive authority, they looked upon it as a great, independent power, considering truly, that there was no burden which it might not impose, no surrender which it might not make, nothing which it might not embrace; and measuring its importance in this way, they have guarded it accordingly, by granting its exercise to that authority only, to which is confided the power of legislation, the President and Congress.

There is another provision in the constitution of Colombia, which is deemed valuable as being auxiliary to the principal one. The authority is expressly given to the Congress to require the Executive to negotiate treaties 'of peace.' This clause cannot have any conclusive effect on the formation of the treaty, as the terms of it must at last be submitted to the ratifying power, but it presents an easy and constitutional mode of expressing the sense of the nation, at whose expense the war must be maintained, and for the assertion of whose rights only it ought to be continued. This provision seems to be a very proper and consistent part of the system; it gives an opportunity to one coordinate branch of the government, whose ultimate acquiescence is indispensably necessary for the adoption of the measure, to manifest its readiness to give the necessary concurrence to the negotiation of the other department.

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The provision of the constitution of Colombia, declaring the President ineligible beyond a second election, until there has been an interval of one term, merits unqualified praise. An opinion has been entertained, that the political knowledge, and familiar acquaintance with the interests of the state, acquired by long service in office, render the continuance of such individuals as have these opportunities safe and desirable. It has been urged, too, that a proper regard for the stability of public measures, in the system of the administration, should forbid a frequent change in the person of the individual, who is placed at the head of the government, and of course has the control of the administration. But in governments organized as are those of the United States and Colombia, no dangers are to be apprehended to the state, from an unstable or vacillating policy produced by the change of the Executive, after the expiration of two terms or eight years. So far as skill in the high duties of his office, and practical familiarity with the interests of his country, are alleged as reasons for continuing the services of the same person, it may be truly said, that no individual can be elevated to the presidency in either country, without a long course of tuition and service, as a statesman, in the subordinate offices of the government. No splendor of talents, or local character, can avail him in seeking such an elevation, unless he is known to the nation, and known too by such a series of probationary services, as ensure a perfect knowledge of all the interests of his country. No new man can be raised to that dignity. It is not a station, to which he can be elevated to learn his duties, or to acquire the high knowledge necessary for fulfilling them. A deep conviction, that this knowledge has been already acquired, must have previously penetrated the minds of millions of his fellow citizens, on whom his election depends. The presidency will not be given for anticipated merits, nor as an incentive to future acquisitions; it is not barely a capacity to improve, but only a mind already improved and matured, that can be trusted with this station. It is not doubted then, that in every case of the expiration of a constitutional term, there will be many citizens of the republic as well qualified to discharge the duties of the office, as the one who has left it, citizens qualified by a long tuition in the same school of public services. All arguments used to show, that an individual must be continued in the presidency, because he has there acquired qualifications, or a fitness superior to others, are wholly unsound. The practice of the United States de-

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monstrates, that no citizen can attain that station without age and long service.

In regard to the stability of public measures, which some think might be endangered by a frequent change of the chief magistrate, it may be asserted, that in a representative government, public measures do not receive their distinctive character from the Executive, nor are they principally dependent for their permanency on that department. The great scheme of political measures, which characterizes the administration, are such, as are suggested by the genius of the government itself, and not by the particular policy of the individual at its head. The views of different men on minor subjects of policy differ, as their degrees of wisdom differ, but the great system is suggested and controlled by the government itself. So far as the policy of the administration of the government can be varied, it is subject to be varied much more by the legislative than by the executive department. It is the legislature, of which the President is a constituent, but not a controlling member, that gives character to the public measures of the government. A President, who does his duty and no more, can only execute the system, of which he may have been an adviser, but which must have been principally instituted by the other department. So long as he shall confine himself within the boundaries of his prescribed duties, he cannot institute any policy in the administration, which may not be pursued and completed by other wise and disciplined statesmen, as well as by himself.

While, then, there are no positive reasons for continuing the same individual in office for a great number of years, there are dangers resulting from it, which render a positive interdiction on the face of the constitution a very high recommendation, and of course the absence of such a provision, a just cause of regret. That the possession of power gives an increased inclination for its enjoyment, and a disinclination to abandon the situation, which ensures that enjoyment, the history of man too unfortunately proves. It is equally true, that the apparent probability of succeeding in attempts to retain it, beyond the legitimate period, excites, if it does not create, the inclination to attempt it. The few cases, which the course of time presents, of rare individuals, who have voluntarily resigned supreme power, under a sense of its burdens, afford no argument against the truth of the general position. These exceptions can be regarded only as ornaments to beautify the page of history.

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The long enjoyment of supreme power weans the possessor from popular attachments, breaks that sympathy arising from common feeling and common interest, which he once had from equal association with his countrymen, gives to his mind the habits only of command, and causes it to revolt at the idea of obedience and a private station. When he sees no constitutional barrier to the retention of this power, his good dispositions may induce him to believe, that he can continue to exercise it beneficially for his country, and his bad ones, if he should unfortunately have any, will too certainly come in to delude and excite him. Government itself is rendered necessary, only by the frailty or viciousness of men; and when the constitution of the government, by the omission of a guard, invites or enables an ambitious incumbent to indulge his passion for power beyond its lawful ends, a material defect exists. Political science has invented various expedients to counteract this very natural inclination to acquire, and the too common inclination to abuse and continue power; and none seems so salutary and simple, as one which shall refuse to the possessor such a protracted enjoyment of it, as would enable him afterwards to hold it against the public opinion.

Although, in the American republics, the executive authority is so limited as to embrace only a part of the powers, enjoyed by the supreme magistrate in the monarchies of Europe, still the powers confided to it are necessarily very great; the patronage of the Executive extends to the appointment of all officers in the government; it embraces, either directly or through channels of subordination to be traced to it, the whole annual expenditure of the government. These annual disbursements are already considérable, and if these nations increase in wealth and population, in the proportion which their present prosperity seems to indicate, in a few years the amount of public money to be expended at the will of the President, even for fair and authorized purposes, will be very great. There will be then in the hands of the chief officer of the Executive, a patronage so great, that if used with that design, an influence may be acquired by long enjoyment, dangerous to the liberties of the people, and menacing the true balance of the constitution. It must be remembered, that all the officers appointed by the President, and their numberless dependants, are interested in his continuance in office; many of them certainly would be, and all of them might be, displaced by successful competitors. It may then fairly be as-

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sumed, that in a competition of this kind, the great body of the officeholders, and their dependants, would ally themselves in favor of the reelection of the actual occupant. It is impossible to believe, that this state of things would leave the competition equal, or ensure to the disinterested part of the community a fair opportunity of securing the object of their choice. No mode seems so simple, and so certain to avert these consequences, as a provision in the charter of the government, declaring that the same person shall not be eligible after a given number of years. If these apprehensions can be justly entertained in a federal government, like that of the United States, where many of the ordinary branches of executive authority are in the hands of the state functionaries, there certainly would have been danger in permitting the reelection of the President for an indefinite succession of terms in Colombia, where to all the patronage possessed by the President of the United States, he unites that possessed by the governors of the states.

But while the Colombian constitution can boast its superiority over that of the United States, in having this valuable provision for limiting the number of terms in the executive office, another principle of a very different kind has found admission; one not only omitted in the constitution of the United States, but which may be regarded as entirely hostile to the opinions generally received, of the duties and powers of a legislative body in a limited government. It is declared that, 'Congress shall have power to determine whatever doubt may arise upon the meaning of any of the articles of this constitution.' * This is a power which must be considered as particularly objectionable; it would be dangerous with the best, and ruinous with a corrupt Congress. It is but fair to say, that some of the politicians of the United States hold the opinion, that the Judiciary does not possess the power of declaring a law void for its repugnance to the constitution; and the inference seems to be, that the legislature would in that case be the uncontrollable judges, not only of the expediency of the law, but also of its conformity to the constitution. To prevent that utter and general confusion, which would follow, if there was no tribunal to declare whether a law was justified by the constitution or not, it is indisputable that if this power is denied to the Judiciary, then the Legislature must be considered as giving the true construction in passing the law, and all other depart-

* El Congreso podrá resolver cualquiera duda que ocurra sobre la intelijencia de algunos artículos de esta Constitucion. *Art.* 189.

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ments, and all the citzens of the state must obey it, until it is repealed.

In the opinion of some statesmen, indeed, this is the only remedy existing in the case of an unconstitutional law. They say that the people must change the law by changing their rulers, but that until this be done, no tribunal can pronounce it void. Of this consequence there can be no doubt, if to the Judiciary is denied that power. But happily these opinions are confined to few. Not only the courts of the United States, but the people have long cherished the safe opinion, that the judicial department does rightfully possess the authority of determining, whether a law passed in its usual forms is permitted by the constitution. This in fact is the only doctrine, which can be tolerated in a limited government; the government would otherwise cease to be limited, as the legislative authority would draw within its vortex all other powers. The boundaries prescribed would cease to be a safeguard, when the authority to be limited is itself the judge of the meaning and extent of the limitation. All restraints upon authority are prescribed, on account of some jealousy of the body to be restrained; but the whole design is frustrated, whenever that body is permitted to judge without control, of the extent or construction of these bulwarks. Even with just men there is a disposition to believe, that public injury will not result from the exercise of power by them, and hence comes the inclination of all bodies to enlarge the sphere of their action, by giving a liberal construction to their own powers in all doubtful cases.

The observations of Mr Jefferson, made to illustrate the defects of the constitution of Virginia, may be well used to show the character of a government, in which the authority of the Legislature is limited only by the opinions or forbearance of those, who exercise it. He says

'All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands, is precisely the definition of despotic government. It will be no alleviation, that these powers will be exercised by plurality of hands, and not by a single one. A hundred and seventythree despots would surely be as oppressive as one. Let those who doubt it, turn their eyes on the republic of Venice. As little will it avail us that they are chosen by ourselves. An *elective despotism* was not the government we fought for; but one which should not only be founded on free principles, but in which

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the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others. For this reason that convention, which passed the ordinance of government, laid its foundation on this basis, that the legislative, executive, and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. But no barrier was provided between these several powers.'

'If therefore the Legislature assumes the executive and judiciary powers, no opposition is likely to be made; nor if made, can it be effectual; because in that case they may put their proceedings in the form of an act of Assembly, which will render them obligatory on the other branches. They have accordingly in many instances decided rights, which should have been left to judiciary controversy; and the direction of the Executive, during the whole time of their session, is becoming habitual and familiar. And this is done with no ill intention. The views of the present members are perfectly upright. When they are led out of their province, it is by art in others and inadvertency in themselves; and this will probably be the case for some time to come. But it will not be a very long time. Mankind soon learn to make interested uses of every right and power, which they possess or may assume. The public money and public liberty intended to have been deposited with three branches of magistracy, but found inadvertently to be in the hands of one only, will soon be discovered to be sources of wealth and dominion to those who hold them.'

'Human nature is the same on every side of the Atlantic, and will be alike influenced by the same causes. The time to guard against corruption and tyranny, is before they shall have gotten hold on us. It is better to keep the wolf out of the fold, than to trust to drawing his teeth and talons after he shall have entered.' *

It has been said, that the oath of the legislator, and the right of the people to change their rulers by election, form the legitimate securities against the passage of laws not authorized by the constitution. But the oath of the legislator is never introduced, or relied on, as an effectual, independent guard; it is only considered an auxiliary defence against transgression, operating on the mind of a conscientious, or timid man. From the very nature of an oath, while it gives security, with honorable men, against the wilful perversion of power, it can give none against

* Jefferson's Notes, Chap. xiii. *Constitution.*

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their ignorance or inadvertence; and, what is much more important, it gives none in the very cases in which it is most required, in cases of bold and hardened vice. But it frequently may happen, that laws will be passed in violation of the constitution, without any imputation on the honesty or moral purity of the members; political excitement, the violence of party, or sheer inadvertence may produce this result. In those cases, the intervention of another tribunal, where the feelings of the members have not been enlisted in party controversy, whom the angry collisions of popular debate have never reached, whose official situation is permanent and independent, who can have no unworthy motive to abridge or enlarge the powers of the Congress, and whose previous education fits them for judicial investigation, is necessary to declare to the country, whether the true boundaries of granted power have been observed by those, who were entrusted with its exercise. Without the interposition of a firm judicial tribunal, there can be no permanence, or uniformity, in the construction given to the constitution. The legislative body is liable to frequent changes in the persons of its members, and constructions given by one Congress may be frequently changed by the next. The constitution will cease to be stable and certain in its meaning, under the multitudinous and ever varying expounders. What is constitutional now, may no longer be so after the next election. This will be the unavoidable result, without ascribing to the Congress any character but that, which belongs to all numerous representative bodies.

It cannot be admitted, that the power reserved to the people, at their periodical elections, of ejecting their old and electing new rulers, by whom the objectionable law may be repealed, is sufficient to avert the mischievous consequences, flowing from a denial to the Judiciary of the right of declaring it at once unconstitutional and void. The security furnished to the people by the elections in Colombia is distant, and inadequate when applied; it may produce the repeal of the law, but it cannot prevent its present operation and mischiefs. And, moreover, the repeal of a law does not place things in the situation, in which they were before its passage; by the passage of a law, many rights are created or affected in a great number of ways, which must still continue to have an existence, after the law has been stricken from the statute book. Indeed, this consideration alone is sufficient to show the manifold mischiefs springing from the doctrine, that the Judiciary cannot declare void a statute violating the consti-

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tution. If this cannot be done, then valid rights can be created by such statutes, which must be enjoyed inviolate, and may continue to be so enjoyed for years after the public sentiment has been pronounced against the violent act, which gave them existence. And it appears from this view of the subject, that the effect of a law upon the interests of society would be precisely the same, whether it were permitted or forbidden by the constitution. For if it be once conceded, that the judges cannot pronounce a statute void in any case, then they must execute every law passed by the legislature and presented to them, until it is repealed by the same authority which enacted it; and this is true even if it should be a bill of attainder, a law manifestly *ex post facto*, or one declaring that there might be a conviction in a trial for treason on the testimony of one witness.

To each house of the Colombian Congress is granted the usual power of punishing or expelling a member for improper conduct. But to this salutary and necessary power, is added one which must be considered pernicious, and subversive of the rights of election. To each branch of the legislature is given, not only the power of expelling a member, but, also, on a vote of two thirds, of declaring him unfit for 'holding any other office of trust or honor in the republic.'* This is a power, which neither the constitution of the United States, nor of any of the states in the Union, has given; in almost every case the power to expel a second time for the same offence is expressly denied. This is denied on the principle, that when the offence or criminal charge is known to the people, and they still think proper to reelect the person expelled, he has then passed the final ordeal; and that no legislative body can disqualify a man for the public service, upon whom the people have passed their sentence of approbation or of pardon. Large representative assemblies have never been distinguished for freedom from caprice or passion; and to give to an assembly, constituted as they ever must be, an authority to disqualify a citizen for

* Cada cámara tiene el derecho de establecer los reglamentos que deba observar en sus sesiones, debates, y deliberaciones. Conforme á ellos podrá castigar á cualquiera de sus miembros que los infrinja, ó que de otra manera se haga culpable, con las penas que establezca; hasta expelerlos de su seno y declararlos indignos de obtener otros oficios de confianza, ó de honor en la República; cuando asi se decida por el voto unánime de los dos tercios de los miembros presentes. *Art.* 56.

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holding a seat in it, or for any other public station, is conferring a power unusual and dangerous. The worthiest citizen, in times of public excitement and party heat, might, by this parliamentary ostracism, be cut off from public usefulness for ever. And this power seems to be still more objectionable, when it is remembered, that expulsion may be, and frequently is, applied in punishment for offences, in no way infamous; and that expulsion generally takes place upon a single vote, without those delays of form and time, which are prescribed for the passage of ordinary laws. In this way some of the severest penalties of an attainder might be visited on a citizen, not by the legislative authority of his country, but by one branch of the legislature; a high punishment might be imposed without the sanction of a court of judicature, or any manner of judicial proceeding.

In the organization of the two houses, constituting the Congress of Colombia, other principles are admitted, which are liable to strong objections. The senator, or representative, is not necessarily a resident of the department or province which he represents; he is eligible not only from the department in which he resides, but also from the one in which he was born, although he may not have been in it since the days of his earliest infancy. That the representative should be an inhabitant of the state, or department for which he is chosen, seems essential to ensure most of the purposes of his election. Otherwise he may be a nominal and legal, but he cannot be a real representative of his constituents; he may bind them by his votes and his acts, but he cannot represent their feelings or interests. In a government embracing a great extent of territory, it is in vain to expect that the representative principle can be brought to its perfect practice, unless this principle of subdivision is also applied. If under the omission of this principle, it should happen that most of the members should come from the same part of the country, leaving some other parts without a resident deputy, there would result a manifest ignorance of the wants and situation of many of the citizens of the republic. And when this should occur even in one instance, a portion of the people would be left without that direct and immediate representation, which is essential to present, explain, and enforce their rights, because under such circumstances they could not be adequately felt or known. But it may be said, that the people themselves will create the best defence against such an evil, by not electing any one, who is not a resident of the district to be represented. The experience of

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Colombia already contradicts this; cases have occurred in which this rule, so obvious and salutary, has been disregarded. An argument, which would go to show that local residence in the member might be safely dispensed with, under the idea that a sufficient security would always be found in the good sense of the people, would go too far; such an argument would prove, that all constitutional qualifications might be dispensed with, and that the knowledge possessed by the constituent of his own interests would protect him against an improper selection. Unfortunately all experience contradicts this; even when his good sense in the selection is aided by multiplied guards and qualifications, he is not always able to protect himself against an injudicious choice. This has been the opinion of the wisest statesmen. We see that the framers of all modern constitutions have thought it useful to declare, that the high officers of government, whether belonging to the executive or legislative department, should have prescribed qualifications either of age, residence, or citizenship. Although in a government, in which the principles of civil liberty are well understood, and education is generally diffused, it is known that great and just reliance can be placed on the judicious exercise of the elective franchise by the people, still he would be deemed a most adventurous politician, who should advise, that all constitutional qualifications should be dispensed with in the elected.

The example too of Great Britain proves to us, the necessity of chartered protection in this case. A very large portion of the members of the House of Commons are not residents of the districts for which they are chosen; this may not be regarded as a great inconvenience, where the whole territory embraced by the government is small, and the inhabitants of each part of it may be supposed to have a competent knowledge of the interests of the others; but it is cited to show the facility, with which elections may be secured by persons having no connexion, by residence, with the electors; and to show that the good sense of the people should never be considered above protection, by judicious constitutional guards.

There is another provision connected with this subject, which places the representative still farther from his constituents. It is declared 'that the senators and representatives hold their character for the nation, and not for the department, or province, which elects them; and that they are not to receive orders or instructions from the electoral assemblies, which can only pre-

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sent petitions.'* It is not at all necessary to go into an examination of the propriety of such a provision in the constitution of the United States, or into the question whether such a principle exists without any special provision, as here the representative must be a resident of the state, and, in practice, is almost invariably a resident of the district, which elects him. Imperative instructions to a member, so intimately connected with his constituents by interest, feelings, and residence, could rarely be necessary. But in those cases, in which the representative resides beyond the limits of his department, or province, there seems to be no adequate mode of making him fully acquainted with the interests of his constituents, or indeed of securing anything like a just representation of them, but by subjecting him to mandatory instructions, on those occasions, which they may deem sufficiently important to require them. Where the residence is distant, and there can be no intimate knowledge of the concerns of the people, no very strong inducement to undertake or pursue them, and no constitutional mode of coercing obedience, there is left very little of the substance or theory of representation.

A principle still more objectionable has found admission into this constitution. In violation of that fundamental distribution of the supreme power, into the three great departments, legislative, executive, and judicial, which is declared in the usual language, officers belonging to one of those departments, may, also, with a few exceptions, be officers of either or both of the others. It is but just to state, that these exceptions embrace the President, Vice President, the different Secretaries, Intendants, and those other officers who may be excepted by law. The duties and the emoluments of the first station are suspended, on the acceptance of the second, but the office is not resigned, nor vacated, and may be resumed at pleasure. In this way an officer of the army, or of the customs, may be a foreign minister, or a member of Congress. This principle is fundamentally wrong, and particularly dangerous in its application to members of Congress. They should hold but one office; all other officers are subject to their legislation, and when they are legislating on the duration, annual salary, or contingent emoluments of an office

* Los senadores y representantes tienen este caracter por la nacion, y no por el departamento ó provincia que los nombra; ellos no pueden recibir órdenes ni instrucciones particulares de las asembleas electorales, que solo podrán presentarles peticiones. *Art.* 64.

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of which they hold the ultimate ownership, and the duties of which they may immediately resume, they are acting for themselves. And, without supposing actual corruption, there is certainly an entire absence of that freedom from all improper temptation, which should exist.

In the Congress of Colombia, under the sanction of this clause, are many officers of the army, and several of the navy. The Vice President himself, who has almost ever since the organization of the government discharged the duties of the supreme Executive, is a general of division in the army; Commodore Padilla is a member of the Senate; and Sucré, the victor at Ayacucho, is a senator, general of division, and minister plenipotentiary to Peru. Although their military powers are entirely suspended, while they are discharging those civil functions, yet, whenever the interests, or supposed rights of the army or navy, become subjects of legislation, the people may well fear, that human infirmities will display themselves to their cost and injury. Under the most favorable circumstances, a victorious and unpaid army presents many dangers to its country, at the close of a revolution; but when the supreme legislation is in any degree in the hands of that army, there is ground for apprehension, that its permanent footing will be fixed on foundations, nowise favorable to that complete subordination to the civil authority, which is essential to the liberties of the people.

It is gratifying to know, however, that the civil duties, assumed by military men, have been so far discharged with great propriety, and apparent disinterestedness. A very wholesome jealousy of military influence has been diffused among the people, and the elections will go far towards correcting the palpable defect of the constitution. The admission of the military into the two houses of Congress has been ingeniously vindicated, upon the alleged necessity of opposing them, and their liberal opinions, to the influence and illiberality of the clergy. If the admission of the clergy was unavoidable, as it is said to have been, then, indeed, the objection against permitting officers of the army to have seats in the legislature, is much weakened. All the most liberal and judicious schemes, for the melioration of the country, have been supported by the military. They have been generally the advocates of abrogating the old monopolies and repealing the burdensome export duties, and have made some most salutary inroads upon the ancient system of tithes and

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other ecclesiastical dues. Few will doubt, however, that the constitution should have interdicted the admission of the clergy, the military, and all others holding office, to seats within the walls of the Congress. In the constitution of the United States there is no such prohibition, as it regards the ministers of religion; nor was it at all necessary; we had no national religion, nor was there a probability that any particular sect would gain such a predominance, as to create a system of legislation favorable to itself, and burdensome to the body of the people. But in Colombia, although there is happily in the constitution an entire silence on the subject, yet there is in truth a national religion, supported in practice and by the ordinary laws as such. A numerous and powerful body of clergy is sustained, under the laws of the country, by taxes imposed upon the people, in the very burdensome shape of tithes.

In regard to this subject of eligibility to office, there is an extraordinary omission in the Colombian constitution. No provision is made for preventing a member of Congress from accepting an office, created during his term of service. In republican constitutions, it may justly be deemed an object of solicitude to free the mind of the representative from the hopes and fears, which may divert him from an independent devotedness to the interests of his constituents. One of the most obvious means of promoting this intellectual independence, is to make him ineligible during his term, to any public post created while he is in office. In the constitutions of several of the North American states, this salutary caution is carried so far, as to render the member ineligible for one year after the expiration of his term. This is considered as the perfection of the principle. In that case no inducement is held out to the representative, either immediate or remote, to desert the interests of those, whose interests should ever be regarded by him as superior to his own. The honor of a representative may be a sufficient safeguard against the desertion of his trust, but when you bind both his honor and his interest, you then have all the guaranties, that human prudence can give; and when the liberties of a people are involved, less than all should never be considered as enough.

The qualifications, which give the *right of suffrage* in Colombia, are the following. The individual must be a Colombian, native or naturalized; of the age of twentyone years, or be married; he must be able to read and write, although this

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qualification is not to be demanded until the year 1840; he must have a real estate of the value of one hundred dollars, or have some office, profession, or trade, not being dependent on another as journeyman, or servant.

And the *right of suffrage is lost*, by taking any employment under another government without the leave of Congress; by any judicial sentence imposing an infamous punishment, until the individual is restored by law; by a person selling his vote, or buying that of another, either for himself or a third person.

And the exercise of *this right is suspended*, in lunatics; in vagabonds and insolvents, declared such by law; in all those against whom a criminal prosecution is depending, until they are acquitted, or condemned to a punishment not infamous; in debtors to the public treasury.

To be eligible to the *House of Representatives*, the candidate is required to have all the qualifications of a voter; to be at least twentyfive years of age; to be a resident, or native of the province for which he is elected; to have been a resident of the republic for the two years next preceding his election; to possess a real estate of the value of two thousand dollars, or have an annual income of five hundred dollars, or be a professor of some science. Those, who are not natives of Colombia, must have been resident eight years in the country, and have a real estate of the value of ten thousand dollars.

A *senator* is required to be thirty years of age; to be a resident, or native of the department for which he is elected; to have been a resident of the republic for the three years next preceding his election; to be owner of a real estate of the value of four thousand dollars, or to have an annual income of five hundred dollars, or to be a professor of some science. Those who are not natives of Colombia must have been resident twelve years in the country, and have a real estate of the value of sixteen thousand dollars.

The *President* and *Vice President* must, in addition to all the qualifications of a senator, be citizens of the republic by birth.

The *elections of members* of the two houses of Congress, and of the President and Vice President, are in no case made immediately by the people, but by electors chosen by them every four years. These electors assemble at a designated place in each province, and proceed to vote for a President, Vice President, four senators (the number to which each department is entitled), and as many representatives as the province, by its population, is

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authorized to elect. In the case of the representatives, the balloting continues among the electors, until the requisite number shall have received a majority of all the votes given. But with regard to the other officers to be elected there is to be but a single ballot among the electors; the register of the vote is then sent to the Congress, and opened in the presence of both houses, and those persons, who, upon comparing the aggregate votes of the provinces, have the constitutional majority, are declared duly elected. When the full number, to be elected as senators, have not the required majority of the votes from the provinces composing one department, the members of both houses of Congress, voting *per capita*, elect the deficient number, one by one, from the three highest on the list.

In the *election of the President*, no one is considered as chosen, unless he have a majority of two thirds of all the votes given in the electoral colleges. When no person has received that majority, the President is elected by the Congress from the three candidates highest on the list. This mode differs in one essential point from that prescribed in the constitution of the United States, and in that difference it is unsusceptible of vindication. In requiring a vote of two thirds of the electors to secure the election, the influence of the people is greatly diminished, as the choice is almost certainly removed from them. In almost every case a resort must be made to the Congress; a course which is only to be justified, when there is a great diversity of opinion among the people, and which should never be thought of, when any one candidate has an absolute majority. The mode of election also differs, in allowing to each member of both houses one vote; this difference, however, results from the original difference in the frame of the government. Although the senators represent distinct departments, these departments are nothing more than convenient divisions of territory, created by the Congress, with none of the attributes of the states of the North.

The regulations with respect to the *election of the Vice President* are, in every particular, similar to those in the election of the President. Except when the Vice President is called on to administer the government, on account of the absence, or death of the first officer, he is a member of the Executive Council. He does not preside in the Senate.

The members of the House of Representatives continue in service for four, and the senators for eight years. The senators are so arranged that one half of that body is renewed every four

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years. It is perhaps impossible to fix with precision the exact time of service, which is most favorable to the liberties of the people, and the proper independence of the representative; but it may be doubted whether the duration of the term, as designated in the constitution of the United States, could be increased, without removing the representative farther from the control of the people, than would be consistent with that responsibility, which he owes to them. So far, therefore, as there is a deviation from that term, it is believed that the Colombian constitution has failed in attaining the excellence of the other. In the election, too, of the members of the House of Representatives, the removal of the immediate choice from the people cannot be vindicated. The election of the popular branch of the legislature, directly by the people, has ever been deemed the simplest and the purest mode of selecting the members of that body. A just sense of their consequence in the government is infused into the people, only when they see, as the principal actors in it, those who derive their authority immediately from themselves, and with whom they have some personal acquaintance. Any system, which denies to the citizens of the commonwealth generally, all agency in the immediate election of their representatives, would go far towards estranging all feelings of favor from the government, would produce a dangerous indifference towards its administration, and ultimately cause them to regard it as a distant and alien one, which merited little care for its support and continuance.

The apportionment of representation is regulated by the following rule; every thirty thousand souls in each province entitles it to a member, until the number in the House of Representatives shall equal one hundred, but when there is an excess, or fraction, of fifteen thousand, an additional member is allowed to the province; when that given number in the representation of the house is reached, then forty thousand inhabitants is assumed as the ratio, until the number is increased to one hundred and fifty; and afterwards, fifty thousand souls are necessary for a member. This regulation is considered as a very happy one. It has the effect of preventing entirely that angry dissatisfaction which occurs whenever an apportionment of the representation takes place, produced by the apparently harsh operation, which the assumed standard must have in particular cases. When the rule is fixed in the constitution, there is nothing left for the legislature, but to apply it. This regulation has the effect, too, of postponing,

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for a great number of years, the time at which the House of Representatives can arrive at an inconvenient number. The provision would have been greatly improved, however, by fixing a maximum, beyond which the number could not in any event go.

The republic is divided into twelve departments, each of which is entitled to four senators.

The *power of impeaching* is in the House of Representatives, and that of trial in the Senate, who convict upon a vote of two thirds. When the Senate is sitting as a court of impeachment, it may call upon the members of the high court of justice to assist it on judicial points.

The rules, which govern the houses in the discharge of their legislative duties, are such as are usually observed in assemblies of that kind. The Congress meets on the second day of January each year. The session can only continue for ninety days, unless it is prolonged for thirty days more by a vote of both houses; beyond that period the session cannot be continued. The President can convoke both houses, whenever he may think the public service requires it.

The attributes and duties of the Executive do not materially differ, from those assigned by the constitution of the United States to the President. The power of putting the negative on the passage of a law is the same, except that in Colombia, when a bill has passed both houses as *urgent*, it must be signed, or returned by the Executive within two, instead of ten days. The President of Colombia can, in cases of capital conviction, pardon or commute the punishment, only in concurrence with the judges who presided at the trial. He may suspend from their employment any unfit or delinquent officer, but must forthwith give advice thereof, and the reasons of his proceeding, to the proper tribunal for prosecuting or impeaching. He cannot command the army in person, unless with the assent of the Congress, and in that case, the civil duties of the Executive are to be immediately assumed by the Vice President. He cannot go beyond the territory of the republic, during his presidency, nor for one year thereafter, without the leave of the Congress.

An *Executive Council* is provided by the constitution, composed of the Vice President, one of the judges of the high court of justice, and the four Secretaries. The President is authorized to take their advice on all subjects, on which he may require it; but he is imperatively required to take their written opinions in the following cases, namely; in the consideration of

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a bill, which has passed the Congress, and is presented to him for his signature; in taking the preparatory measures for conducting a war; in nominating to the Senate foreign ministers and military officers; in making all appointments in the recess of the Senate; in suspending an officer for unfitness or improper conduct; in granting pardons; and in declaring martial law, which he is authorized to do in case of insurrection, or sudden invasion, in which case the Congress is to be immediately convened. The President is, however, not obliged to follow their advice in any case; but a register of all their opinions is to be preserved, and presented annually to the Senate for their examination.

The creation of this Council was no doubt designed to aid the Executive in the discharge of his high duties, and also to operate as a check on any wilful or capricious exercise of his powers. The necessity of keeping a record of those opinions, and particularly the obligation to present a copy of them every year to one branch of the legislature, will go far towards preventing any violent or corrupt conduct in the Executive; and especially when it is known, that each member of the Council holds his office by a tenure entirely beyond the control of the President. All of them, except the Vice President, owe their original appointment to his nomination, but none of them are removeable by him. Notwithstanding these apparent advantages in the organization and power of the Council, in preventing the adoption of hasty and unconstitutional measures, it may well be doubted, whether the tendency of it, under its present organization, be not more injurious than beneficial to the public affairs. Any system, which compels the Executive to receive, and submit to the Congress, the opinions of those who are not responsible to him, must have an unhappy effect upon the exercise of his public functions. He is at last the responsible person to the nation, and to the Congress, for the measures which he shall adopt, and, under the virtual control of an irresponsible Council, his mind cannot be so independent and free to pursue its own dictates, as it will be, when he is held to answer for every thing which is done or omitted. When an officer is not permitted to protect himself under the advice which he receives, more injury than good will result from compelling him to hear it, especially when he is farther compelled to promulgate it.

The *Secretaries* are required to give to the Congress, upon the order of either house, written or oral expositions on all subjects connected with their departments. This power is frequently

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used by the Congress; the Secretary of Foreign Affairs is called on, to give explanations of the views of the Executive upon subjects of foreign negotiation, and to vindicate the policy of treaties and other conventions, offered for the ratification of Congress, whenever it is thought necessary. The other secretaries are also frequently introduced under the order of the house, to explain anything within their duties, that may not be understood or approved.

With regard to the foundation, on which the *Judiciary* is placed, no particular observation is necessary. The Judges hold their office during good behavior, and receive a fixed annual salary. In the appointment of them, however, a mode is pursued somewhat unusual, and designed to ensure the most unexceptionable selections. Three persons are nominated by the President to the House of Representatives, the house reduces the number to two, and presents them to the Senate, from whom that body designates the judge.

For purposes of internal administration, the republic is divided into *Departments*, the number of which is to be regulated by Congress. Over each of these an officer presides, denominated an Intendant. Each department is divided into *Provinces*, over which a Governor presides. These provinces are again divided into *Cantons*, and these into *Parishes*. In these are officers denominated Alcaldes, answering very much to justices of the peace in countries where the common law prevails. The Alcaldes have jurisdiction, not only in judicial matters of small amount, but also in matters of police.

As the powers of the government of Colombia do not depend, for their existence or extent, upon any specific grant in the constitution, but all are embraced, according to its theory, which are not positively denied to it, the list of interdicted powers becomes much more important, than the corresponding interdictions in the constitution of the United States, where they have been introduced, not as essentially necessary, but only through abundant caution. The constitution opens with a declaration indicative of the sense, which its framers had, of the magnitude of their duties, and of the high situation in which they stood;

'We the representatives of the people of Colombia in General Congress assembled, fulfilling the wishes of our constituents, to fix the fundamental rules of their union, and to establish a form of government, which may secure to them the blessings of liberty,

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security, property, and equality, so far as it is given to a nation so to do, which is commencing its political career, and is as yet struggling for its existence, do ordain and declare the following CONSTITUTION.

'The Colombian nation is forever and irrevocably free and independent of the monarchy of Spain, and of every other foreign potentate or power; nor is it, nor shall it ever be, the patrimony of any person or family.

'The sovereignty resides essentially in the nation. The magistrates and officers of government invested with any kind of authority, are its agents or deputies, responsible to it for their public conduct.

'It is the duty of every Colombian to live obedient to the constitution and the laws; to respect and obey the authorities, which are its organs; to contribute to the public expenses; to be ready at all times to serve and defend his country, and to make to it the sacrifice of his property, and of his life, if it be necessary.'

We here present the substance of some of the provisions, intended to secure the rights of person and property to the citizen, against all attacks from the constituted authorities, as they are found under the *eighth title* of the constitution.

'Every Colombian has a right freely to write, print, and publish his thoughts and opinions, without any previous examination or revision, he being responsible to the laws for the abuse of this precious liberty.

'The liberty, which every citizen has of claiming his rights before the proper tribunals, shall never be obstructed or limited; on the contrary, he shall find a prompt and secure remedy in the laws for any losses, or injuries, he may sustain in his person, his property, his honor, or his reputation.

'Every person shall be presumed innocent, until declared guilty according to law; and if it shall be previously necessary to arrest him, no more rigor shall be used, than is indispensable for securing his person.

'No person shall be seized, or imprisoned, unless by virtue of a warrant signed by the magistrate, to whom the law gives this authority; the warrant shall express the grounds of the arrest; and a copy of it shall be delivered to the prisoner,

'No jailer or other officer shall receive or detain in prison any one whatever, unless under a warrant issued and signed as above.

'All persons shall be deemed guilty of the crime of *arbitrary detention*, and shall be punished according to law, who shall arrest, or cause any one to be arrested, without legal authority.

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'No one shall be tried by special commissions, except by the ordinary tribunals established by law.

'No one shall be judged, much less punished, except by virtue of a law passed anterior to the crime, or offence, and after having been heard in his defence, or legally cited; nor shall any one be obliged or admitted, in a criminal case, to give evidence against himself.

'No house shall be subject to search, except in cases determined by law, and under the responsibility of the judge who issues the order.

'The private papers of individuals, and their correspondence, shall be inviolable, and shall not be liable to examination, or to be intercepted, except in cases expressly prescribed by law.

'The infamy of punishment shall not be visited by law upon the family or relations of the offender.

'No one, but those who are in the army or navy, or in the militia when in actual service, shall be subject to military law, or suffer the punishments provided by it.

'Entails are prohibited.

'All titles of honor granted by the Spanish government are abolished; Congress shall not grant any title of nobility, or hereditary distinction; nor create any office or employment, where the salary or emolument shall continue longer than the good conduct of those who serve in them.

'No one, who enjoys any post of trust or honor under the republic, shall accept any title, gift, or emolument from any king, prince, or foreign state, without the consent of the Congress.

'No money shall be drawn from the public treasury, except for objects fixed by law; and there shall be published every year, a regular statement of the receipts and expenditures, for the information of the people.

'All foreigners shall be admitted into Colombia, of whatever nation they may be; and they shall enjoy in their property and persons the same security as citizens, so long as they respect the laws.

'One of the first duties of the Congress shall be to introduce, in some cases, the trial by jury; and when the advantages of the institution are well understood, it shall be applied to all cases civil and criminal, in which it is commonly used in other nations.'

The language of this last clause is somewhat vague. It seems, however, to have been intended to require of the Congress imperatively to introduce the system in some particular case, and that when the practice and proceedings under it should become familiar and well understood, it should be generally introduced.

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In this way the clause has been interpreted by the Congress, and law was passed at the first session, providing for the trial by jury in all cases of prosecution for libel. The system has not yet been applied to any other case; but many will be of opinion, that 'the advantages of the institution are well understood' already, when it is stated, that in every prosecution for a libel, which has yet occurred in the republic, *the prisoner has been acquitted.*

ART. VI.—*A Manual of Chemistry, on the Basis of Professor Brande's; containing the principal Facts of the Science, arranged in the Order in which they are discussed and illustrated in the Lectures at Harvard University, N. E. Compiled from the works of Brande, Henry, Berzelius, Thomson, and others. Designed as a Text Book, for the use of Students and Persons attending Lectures on Chemistry.* By JOHN W. WEBSTER, M. D. Lecturer on Chemistry in Harvard University. 8vo. pp. 603. Boston. 1826. Richardson & Lord.

THE multiplication of treatises on chemistry, within a few years, has been remarkable, both in Europe and in our own country. Not only have many new works appeared, but new editions of the standard works have been sent out with great rapidity; and the student is not a little embarrassed in his choice of those, upon which he shall first fix his attention. While this increase of chemical works is an evidence of increased attention to the science, it further shows what quick advances have been made, and are still making in it. And this demand for new works, and new editions of the same work, is a consequence of rapid discoveries and improvements, no less than of the increasing attention bestowed on those arts of life, which involve chemical principles, and which are advancing towards perfection, in the same path as the science upon which they are founded. There is no science in which more frequent and important discoveries are making than in this, and none in which the revision of former opinions is so often demanded; bearing, as they do, on the arts of life and wants of the community. With the enlargement

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of our manufactures, an enlarged demand for chemical knowledge is strongly felt, and no nation can be expected to excel in many of the arts, or to increase in wealth and power, or to avail itself of the discoveries made in other nations, which does not consider chemistry an essential branch of education. The connexion between science and the arts, and their influence on the commercial prospects of nations, have been so often dwelt upon, as to make it unnecessary for us to attempt to offer any new views of the subject.

It is given to but a few great minds to make brilliant discoveries, and comparatively few persons in Europe, and still fewer in this country, have the means or facilities of prosecuting any branch of experimental science to the extent they may desire. This remark applies with force to the science of chemistry, as in the extensive researches which it requires, a great expenditure of time and money must be provided for. It becomes important, therefore, that those who have abundant means, should contract a taste for such arts and sciences, as are most conducive to the morality and wellbeing of the people. Chemistry and mechanical philosophy, when made objects of pursuit and interest to the less informed classes of mankind, cannot but powerfully conduce to benefit the morals, and to enlighten and strengthen the understanding, In their elementary principles, and still more in their advanced state, aided by the countenance and influence of the wealthy, the physical sciences must always help in extending and improving the mental energies of the people, and be made a source of amusement, happiness, and profitable exertion. And with such encouragements as these, not only will the improvements in the arts and sciences be preserved, but their influence upon the public welfare will be augmented by valuable discoveries.

The arts connected with our luxuries, pleasures, and amusements, are subject to fluctuation, from the change of our tastes, our love of variety, our varied degrees of mental power, and other causes. Painting, poetry, music, and their sister arts have had their alternations of rise and fall; but the physical sciences have gradually and steadily advanced, and whatever differences may exist in their degrees of perfection in different countries, no one will hesitate to admit, that this kind of learning is constantly improving. The prediction of Seneca may yet be often fulfilled in its figurative as it has been in its literal sense.

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Venient annis sæcula seris
Quibus Oceanus vincla rerum
Laxet, et ingens pateat Tellus;
Tethysque novos detegat orbes,
Nec sit terris ultima Thule!

The knowledge of chemistry has been obtained by the gradual accumulation of discoveries, and by unwearied experiment and observation. If we look at the luminaries of chemical science in Europe, to which it is indebted for its late rapid and brilliant career, we shall find some dozen or twenty votaries, who are blessed with ample facilities, arising from fortune or situation. The discoveries of such men are immediately transferred to public journals, and communicated to learned societies, and it is not to them that we are to look for volumes, embodying all that has been done by themselves and others. Occasionally, indeed, it happens, that they possess the requisite patience, and are willing to devote their time to an arrangement of the newly discovered facts, and we are favored with a systematic work. But the great mass of chemical works, which have appeared within a few years, is composed of those less aspiring productions, which, however well prepared, are of little further use, than to afford an introduction to the more elaborate treatises. Too many of them, which are avowedly 'school books,' are imperfect, and quite unfit for their intended use. The discoveries of the distinguished votaries of the science, being dispersed, as we have said, through many books, he, who can devote the necessary time and talents to the task of collecting and combining them in a practical treatise, suited to general use, deserves the thanks of the community hardly less than the original discoverer. Whoever does this with impartiality and candor, will be ready to acknowledge the sources whence he has drawn, and to arrogate to himself nothing, which belongs to another. We have now before us a valuable work, in which this regard to the rights of others has been strangely lost sight of, a work especially designed for medical students, and reprinted in this country. It is Dr Paris's Medical Chemistry; the greater part of this volume is copied *verbatim* from Henry and Brande, yet no other acknowledgement is made than this; 'There are three works, which every student should possess, Henry's Elements of Chemistry, Brande's Manual, and Dr Ure's Chemical Dictionary.' (*Preface, p.* xvi. *Lond. Edit.*) Dr Ure has also been unmindful of the golden rule, and in the

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additions which he has made to Nicholson's Dictionary, has given many translations from Thenard, without acknowledgement, and in such a manner as to make the reader believe they are his own.

Notwithstanding the many chemical works, which have appeared within the last twenty years, very few, if any, are well calculated for such students, as have gone through the limited works, with which they usually commence the study. Between the 'Conversations on Chemistry' and similar elementary treatises, and the more elaborate works of Henry, a chasm has existed, which it has long been desirable to have filled. The manual of Mr Brande is in many respects such a work, as is calculated to supply the connecting link in the chain; but it is still deficient in experiments, and in the description of the salts, while it contains much that is out of place in a treatise on chemistry, and that belongs to a distinct branch of science.

The edition of Brande's work, published some years since, under the care of Dr Macneven, has some advantage over the English edition, but its general character is retained.

The Manual now under notice is precisely what was wanted. It fills up the chasm alluded to above, and leads the student with ease and interest to the study of the more voluminous systems. The Chemistry of Dr Henry, which has been used in several of our colleges, is undoubtedly one of the most valuable we possess, but from a single volume it has increased, in ten editions, to a system extending, in the American edition, to no less than three volumes. It has, of course, gradually become expensive, while at the same time it contains much, that is not calculated for any but practical chemists, or not used except for occasional reference. Such are the various tables, the description of the methods of detecting poisons and adulterations, the details of analytical processes, all of which, though extremely valuable and useful to the professed chemist, are not of a nature to be studied by the majority of students and persons attending chemical lectures. Accordingly, in Dr Webster's volume, these subjects are but slightly touched upon; they are to be published, as we learn from the Preface, in a separate volume. This plan is judicious, and a useful book will thus be furnished to practical chemists, manufacturers, and others. A volume on chemical analysis is much wanted, which shall comprise the most improved processes, that modern chemistry has discovered, and which are now to be sought for through a great number of vol-

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umes. We would suggest to Dr Webster the propriety of introducing a chapter on the Use of the Blowpipe, which would render his proposed volume doubly welcome to mineralogists, as well as chemists.

Mr Brande's Manual, which Dr Webster has adopted as the basis of the present volume, is, as before hinted, one of the best elementary works, that has been published; but its value has always been considered much less than it might have been, in consequence of the conciseness of the descriptions of the different substances, and of the processes. Its size has at the same time been increased, by the introduction of much matter, that was really not wanted by beginners, and by engrafting upon it the description of a great many minerals, too concise to give any useful information to students of mineralogy, and of less use to the chemist. Mr Brande also filled a large number of pages with the substance of his lectures on geology, quite out of place in a system of chemistry. All these Dr Webster has very judiciously omitted, retaining, however, all the strictly chemical part of Mr Brande's work.

To the chapter on Attraction, as contained in Mr Brande's Manual, Dr Webster has made several important additions, especially to that part which relates to the atomic theory, and the peculiar views of Mr Dalton. One of the simplest and best explanations of this theory, we recollect to have seen, is in a note to a review of Henry's Chemistry, in the sixteenth volume of the Quarterly Journal of Science, page 336. The addition of many beautiful experiments and illustrations greatly enhance the value and interest of this chapter. The prevailing defect of most chemical works, especially of those designed for students, is in the details of experiments.

Among the additions to the chapter on Caloric, we notice a description of the ingenious pyrometer of Mr Daniell, and the excellent practical directions for the construction of thermometers. There is also introduced a description of the iodous acid of M. Sementini, and the remarks of Dr Henry on the nature of this very curious substance.

The chapter on Hydrogen contains numerous additions, among which we notice the account of the new blowpipe of Mr Gurney, and that of Dr Hare, neither of which is mentioned by Brande. The experiments on the composition and decomposition of water are fuller, than those of Brande. In the specific gravity of hydrogen, and in most other cases, Dr Webster has

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adopted the numbers deducible from the latest experiments, and hence many deviations have been necessarily made from those given by Brande. The compiler has, throughout the book, shown himself familiar with the best chemical works, and a careful observer of the progress of chemical science. He has given the results of a great many new experiments, and especially those of Berzelius and the French chemists. We should extend this notice to an undue length, were we to enumerate all the additions to Mr Brande, and deviations from him, which Dr Webster's work exhibits. We must content ourselves with remarking, that, on comparing many pages with Mr Brande's, we find the latter have in most cases been almost rewritten, and made to conform to later experiments and discoveries. This is an evidence of the labor bestowed on the work, which will render it peculiarly acceptable to chemists in general.

Our scientific readers will be pleased to learn, that in this work is the fullest account of the curious discoveries of Döberiener, of the action of spongy platinum upon hydrogen and oxygen gases, which has yet appeared in English, and that Dr Webster has given an abstract of the experiments of Dulong and Thenard on this interesting subject, from their memoirs in the Annales de Chimie. Although these experiments have not, as yet, led to any satisfactory explanation of the phenomena, they have developed some new and highly curious properties of several of the metals, and induced the belief in the minds of the experimenters, that, among the gases, some have a tendency to unite under the influence of the metals, while others have a tendency to separate, and that this property varies with the nature of both.

In the description of the various chemical compounds used in medicine, Dr Webster has made a constant reference to the United States' Pharmacopœia, and has described the best processes, thus rendering his volume a valuable companion to that national work, and an important accession to a part of the community, where an increased knowledge of chemistry is imperiously demanded. It is to be hoped, that the establishment of the College of Pharmacy in our city, will be attended with the happiest effects, and that our apothecaries, like those of Great Britain, will, before many years, produce some distinguished cultivators of that science, on which all their operations are founded, and which has such an important influence on the health of the community.

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On the whole, we think this may rank among the very best works on chemistry, for the purposes for which it is designed, and that the scientific community is in no slight degree indebted to the gentleman, who has devoted the time, left from the arduous duties of his office, to this task. In connexion with the works of Professor Farrar, the present publication renders complete the series of text books on the physical sciences, which have emanated from Harvard University; and these reflect no less honor on the industry and talents of their authors, than on the institution with which they are connected.

ART. VII.—*Recollections of the Last Ten Years, passed in occasional Residences and Journeyings in the Valley of the Mississippi, from Pittsburg and the Missouri to the Gulf of Mexico, and from Florida to the Spanish Frontier; in a Series of Letters to the Rev. James Flint, of Salem, Massachusetts.* By TIMOTHY FLINT, Principal of the Seminary of Rapide, Louisiana. 8vo. pp. 395. Boston. Cummings, Hilliard, & Co.

THIS volume has been perused by us with great pleasure, and with much respect for the writer's talents and character. We have risen from it, indeed with a stronger sympathy, than we should wish to have occasion to feel with the author, in the hardships and sufferings endured by him and his family; with more vivid conceptions than we before possessed, of the peculiar aspect of the grand and beautiful features of the country he describes; with more enlarged views of its natural resources, of the extent and progress of its population; and with more favorable impressions of the general character of our fellow citizens of those vast and fertile regions, that border upon the Mississippi, and its mighty tributary streams from the east and the west.

That wide portion of our country, which is somewhat vaguely denominated 'the Valley of the Mississippi,' is daily growing in importance and interest. It presents a fruitful theme of anxious contemplation and prophetic conjecture to the statesman and philanthropist, as the destined theatre of future events and exhibitions of human character, of the most solemn import to the

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welfare of mankind; as the scene of the future trial of those broad principles of freedom in governments, and of toleration in religion, assumed as the basis of our national constitution, never before put to the test of actual experiment in any country. In that region it is to be determined whether, with the increase of our wealth, and the full developement of our physical resources, our intellectual and moral progress will be adequate to maintain our republican forms of government, and whether the community of interests, or the reciprocal advantages of political union, will be felt to be strong enough to keep us together, when the preponderance of population and power shall have passed far to the west of the Alleganies. It is an interesting country, as it will long continue to offer a wide field for the emigrating and enterprising population of the older states, and as the great receptacle of the shoals of foreigners, good and bad, that yearly cross the seas to seek, under the tutelar genius of American liberty, an asylum from the oppression, the poverty, or the justice of their native country. It is an interesting region from its physical conformation, its magnificent rivers and forests, its vast alluvions and prairies, its partially explored natural history, the unrivalled fertility of its soil, the facility and richness of its agriculture; as not only abounding with the most valuable staple products of the Atlantic states, but as the land of the sugar cane, and to be one day the land of the vine and the olive, as it now is of many of the delicious fruits of the tropics.

The first discovery of that country was by the French from Canada. In the latter part of the seventeenth century (1683), three adventurers, following the chain of the lakes, penetrated the wilderness to the junction of the Illinois with the Mississippi, which they descended to its mouth. They gave the name of Louisiana to the boundless forests east and west of the Mississippi, in compliment to Louis the Fourteenth, in whose name they took possession of the country. In process of time, different positions, from the mouth far up the Mississippi, were occupied by French colonists, and in 1717 the city of New Orleans was laid out, and its building commenced. Of the travellers, who visited and described that country, the earliest and most distinguished were foreigners, who saw it before its pathless forests and boundless solitudes had resounded to the stroke of the Anglo-American emigrant's axe, while its sparse and languishing settlements were restricted to the borders of the rivers, and under the ancient French and Spanish dominions.

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Until the cession of Louisiana to the American government, under the administration of Mr Jefferson, little was known of the Western country, beyond the American settlements, in the new states of Ohio and Kentucky; for little interest had been felt respecting it, among the people of the old states. Volney, and some others, had published their observations, from which we had learned little more, than that it was a vast wilderness, occupied by wandering hordes of savages; and Chateaubriand had peopled it with beings of his own creation, and had pictured it to our imagination, as the region of romance. Since it became the theatre of enterprise to the adventurous and active citizens of the older states, we have had accounts of it, more or less extended, from various sources, but, for the most part, from interested speculators and land jobbers. Or if a man of intelligence and liberal views, and capable of accurate and philosophic observation, gave us notices of that country, he either had not resided there a sufficient time, or had not extended his views so widely, or come in contact so nearly and familiarly with the various gradations and characters of the inhabitants, as to enable him to satisfy our curiosity, upon many interesting points of inquiry, relating to a region, which, though under the same government and laws, remained, till within a short period, a kind of *terra incognita* to the good people on this side of the mountains. Brackenridge's Views of Louisiana, Darby's geographical tract, the more recent work of Schoolcraft, and Long's Expeditions, have contributed essentially to enlarge our knowledge, and correct our misapprehensions, of the Western country and people. Still, of a country so rapidly filling up, and of a population receiving such constant and heterogeneous accessions, the changes must be so great, that we eagerly welcome an author who brings more recent information of it.

Mr Flint is not one of the common herd of travel writers and journal makers, 'who' as he remarks 'travel post, or are wafted through a country in a steamboat, and assume, on the ground of having thus traversed it, to know all about it.' His opportunities for acquainting himself with the region and the people he describes, were such, as with the other requisites, of which he has proved himself possessed, would authorize any man to undertake the task, which he assumed, of writing for the public, as well as for his friends. 'I have,' says he, in his introductory letter, 'drunk of every considerable stream, that yields tribute to the Mississippi, far from the parent channel; have traversed the

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country in all directions; have resided a considerable time in the northern, middle, and southern divisions, and in the discharge of duties, which necessarily brought me in contact with all classes of the inhabitants; so that, as far as long and familiar observation of the country can qualify one to describe it, I am so qualified.' What is more to the purpose, his intellectual, moral, and literary qualifications fitted him to avail himself of these advantages, and to impart attractions and an interest to his narrative, which such qualifications only can impart to a work of this kind. He unites properties which do not often meet in the same mind, a capacity for discriminating and philosophic observation, a true tact and common sense logic, with the imagination, feeling, and romantic sentiment of the poet and novelist. He is manifestly a true and ardent lover of nature, and has shown himself, throughout his book, alive to the new, magnificent, and diversified scenery, which, in the wide range of his survey, presented itself to his observation. His deep and vivid sympathy with the varying aspects of the physical universe, which opened to his view in the Western world, gives to his narrative one of its most peculiar and engaging features. There is a truth, a distinctness, a graphic fidelity in his descriptions, which make the reader feel himself to be a present spectator of the objects and occurrences he describes. Nothing is more observable, than the facility with which he adapts the tone of his mind and feelings to the influences of the surrounding scenery, to the changes of the elements, and to the character of the events through which he passes and the circumstances in which he is placed. As he feels strongly and deeply, he heightens, no doubt, by the colorings of his imagination, the hues of the gay or sad vicissitudes which befell him. Yet there is an air of good faith and reality in what he relates, which convinces us, that we may listen to him with the confidence, with which a man, at his fireside, receives the communications of a friend of tried integrity, telling the tale of his eventful wanderings and various fortunes after an absence of many years.

It is not strange that a mind, obviously so susceptible of enjoyment and suffering in their extremes, should frequently dwell in retrospect upon the painful events of his 'ten years' residence and journeyings,' and upon the depressing gloom, and the sickness of the heart, resulting from disappointed expectations, frustrated projects, and disease and privations of every sort, which were endured in a strange land, remote from the succour and sympathy

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of the friends he had left. With this propensity of the author we are not displeased, but think his work derives much interest from the intimate acquaintance, to which it admits us, with his personal character and fortunes. It has the peculiar charm of an autobiography, written by a man of cultivated intellect, disclosing his thoughts and the hidden workings of his soul, under various novel circumstances. It is but just, moreover, to remember, what the author states in his introductory letter. 'If in the following pages, the feelings of the writer occupy too conspicuous a place in the view of that severe ordeal, in which the square and compass are applied to works of this kind, let it be remembered, that these pages were chiefly intended for the eye of friends, to whom, it was well known, such would be the most interesting parts of the work.' We perceive nothing like repining in the mention he makes of his hardships. We have been even edified, by the sustaining spirit with which he was borne up under the pressure of calamitous circumstances. We have admired the elasticity of mind, which enabled him to rise from one disease and disaster after another, and to prosecute his objects, still receding as he advanced, through so many discouragements, and by so frequent and distant removals. At the same time, nothing important escapes his observation. He forgets himself, and all that is depressing in his condition, when a fine view upon the rivers or the prairies, a bland atmosphere, a beautiful day, or a moonlight scene appeals to his love of nature; or when he meets with any novelty of character, or falls among people, with whom he can enjoy the mental restorative of endeared society, and the interchange of the amiable courtesies of life. He could be happy in the rude cabins of the *backwoodsmen*. And he bears ample testimony to the kindness and hospitality, to the rough exterior indeed, but substantial honesty and worthiness of character, which he found in these pioneers of civilization.

One valuable effect of the work among us will be, to allay local jealousies, soften prejudices, correct misapprehensions, and divest the Western character of many unfavorable associations, with which it has been too long connected in this quarter; and to strengthen sentiments of mutual esteem between the people of the East and the West.

The author goes little into detail. He does not deal in statistics, in speculations upon political economy, in exact admeasurements, numbers, and tables. His concern is chiefly with the

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physical and moral aspects of the country; the general effects of social labor and enterprise in a region, recently the domain of savages and wild beasts; the state of society, the progress of knowledge, morals, religion, refinement; and the characteristics of the Western people, resulting from their peculiar position and circumstances. His readers will sometimes wish, that he had been more minute, and had filled up more completely some of his outlines and unfinished sketches. His disquisitions, of which there are several interspersed in different letters, are not spun out with a heavy prolixity. Those upon the character of the Indians and negroes, and their distinctive qualities, and upon the advantages and disadvantages in the condition of the New England emigrant in the Western country, are the principal ones; and though we may not agree with all his views, yet his observations are full of interest. He carries the reader along with him to the last, if not always instructed, yet seldom displeased, often delighted, and never fatigued.

We make haste to point out the course of the author's journeyings, during the ten years, the Recollections of which he has embodied in his work.

He leaves 'the land of his fathers,' and the place in which he had performed 'a laborious and secluded ministry' of fourteen years, in October, 1815, travelling leisurely with his family in the common route through Philadelphia, and over the Allegany hills, to Pittsburg. After a short stay in that place, he passes down the Ohio to Wheeling, is detained there a few days by sickness, takes a boat again, and arrives at Marietta. At the close of November he departs for Cincinnati, where he passes the winter. In March he performs a tour of observation and preaching through part of Ohio, the southern frontier of Indiana, and part of the state of Kentucky, as far as Lexington; returns to Cincinnati, and in the middle of April embarks with his family on board a *keelboat;* enters the Mississippi on the 28th of the same month, and on the 24th of May arrives at St Louis. In September he leaves St Louis for St Charles, as a better situation for the discharge of his wide range of missionary duties. Here he remains, variously occupied, till the spring of 1819, nearly three years, when, induced by flattering encouragements, he goes down the Mississippi to Arkansas. There every thing proves adverse, his family fall sick, and, after passing a gloomy summer, he reascends the Mississippi, touching at St Francisville, and spending the winter of 1819–20, and the year follow-

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ing, at New Madrid and Jackson, when he explored the counties of Cape Girardeau, St Genevieve, and the adjacent country. He returns in the autumn of 1821 to St Charles, where, with all the members of his family except one, he is arrested by severe and protracted illness. There he remains till the autumn of 1822, when, having received the requisite means from his New England friends, he descends the Mississippi to New Orleans, spends the winter there, opens a school the summer following on the Florida side of Lake Pontchartrain, returns to New Orleans in the autumn, and while there receives an invitation to take charge of the seminary of Rapide, in Alexandria, on Red river. At this station he remains, till a broken constitution obliges him, in 1825, to suspend his duties, and revisit the place of his nativity to recruit his health.

From the nature of the work, it would be difficult, if not impracticable to give our readers more than a general idea of its contents. Evidently written, as it purports to be, from vivid recollections of what had been most deeply traced upon the memory, the only order seems to be that of the ideas and remembrances, associated with the places, through which he passed, and in which he sojourned. Without any very distinct method, he passes, by easy and natural transitions, ' from grave to gay,' from the most exhilirating to the most gloomy descriptions, from verdant savannahs to swamps of funereal cypress, from the mountains to the valleys, from ' the void waste ' to ' the city full,' from the recent village to the solitary log house in the wilderness.

He at one time paints to us the boundless forests in the mellow and fading splendor of autumn, or renovated in all the exuberant verdure and lavish bloom of a Western spring. Then the canvass exhibits the river craft, and that unique race, the boatmen of the western waters. We now see them floating at their ease down the stream, or with the pole, with the *cordelle*, or by *bushwhacking*, toiling slowly against the mighty current of the Mississippi and its tributaries. By and by we see, ascending and descending the same streams, as by enchantment, the rapid steamboat. The column of smoke, the gay streamers, the crowded deck, the equable movement of the gliding pageant, pass under our eye. The children from the shore look with eager gaze upon the imposing spectacle, as it marches by in its path of foam. Level bottoms and towering bluffs alternate before us. We see the dead trees still standing among the new

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villages, springing from the bosom of the wilderness, or we behold, from an eminence, the lately arrived emigrant setting himself down in the beautiful and lovely solitude, which he has chosen for his residence. The scene is changed, and we are introduced to the rough, but frank and hospitable *backwoodsman*, with his rifle in hand, his dogs at his heels, 'all girt for the chase,' receiving his visitant with little appearance, but with all the reality, of a cordial welcome. The preachers, the lawyers, the great and little men of the West, the Indian, the negro, the fanatic, the venerable chronicler of 'the olden time,' the fresh and lovely '*rose of the prairie*,' successively pass in review before us. Many amusing, and some affecting anecdotes are related. The classical allusions are numerous and happy. The reflections are often original and sensible, and indicate a mind accustomed to hold 'large discourse, looking before and after,' and rich in its own resources. We are, at length wafted from the upper country to the busy mart of New Orleans, and soon after find the author living delightfully in the pine woods. The next letter brings us back to New England, and we are taken upon a pleasant trip with the author and his friend to Saratoga springs, a review of which, with remarks upon the changes in the physical and moral aspect of the land of his birth, as they struck him after an absence of ten years, in a letter from Cincinnati, written on his return to Alexandria, concludes the work.

In selecting such passages as afford the most favorable specimens of the author's manner, we find so many of equal merit, that we are perplexed in our choice. The following is a description of the bright side in a picture of the boatmen's life. After remarking, that it is not strange that this mode of life should have irresistible attractions for the young people who live on the banks of the river, he continues;

'The boats float by their dwellings on beautiful spring mornings, when the verdant forest, the mild and delicious temperature of the air, the delightful azure of the sky of this country, the fine bottom on the one hand, and the romantic bluff on the other, the broad and smooth stream rolling calmly down the forest, and floating the boat gently forward—all these circumstances harmonize in the excited youthful imagination. The boatmen are dancing to the violin on the deck of their boat. They scatter their wit among the girls on the shore, who come down to the water's edge to see the pageant pass. The boat glides on until it disappears behind a point of wood. At this moment, perhaps, the

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bugle, with which all the boats are provided, strikes up its note in the distance over the water. These scenes, and these notes, echoing from the bluffs of the beautiful Ohio, have a charm for the imagination, which, although I have heard it a thousand times repeated, and at all hours and in all positions, is even to me always new and always delightful.' pp. 15, 16.

We take next our author's account of the Arcadian beauty and simplicity of the emigrant's establishment, upon the rich lands in Ohio.

'In making remoter journeys from the town, beside the rivulets, and in the little bottoms, not yet in cultivation, I discerned the smoke rising in the woods, and heard the strokes of the axe, the tinkling of bells, and the baying of dogs, and saw the newly arrived emigrant either raising his log cabin, or just entered into possession. It has afforded me more pleasing reflections, a happier train of associations, to contemplate these beginnings of social toil in the wide wilderness, than, in our more cultivated regions, to come in view of the most sumptuous mansion. Nothing can be more beautiful than these little bottoms, upon which these emigrants, if I may so say, deposite their household gods. Springs burst forth in the intervals between the high and low grounds. The trees and shrubs are of the most beautiful kind. The brilliant redbird is seen flitting among the shrubs, or, perched on a tree, seems welcoming, in her mellow notes, the emigrant to his abode. Flocks of paroquets are glittering among the trees, and grey squirrels are skipping from branch to branch. In the midst of these primeval scenes, the patient and laborious father fixes his family. In a few weeks they have reared a comfortable cabin, and other outbuildings. Pass this place in two years, and you will see extensive fields of corn and wheat; a young and thrifty orchard, fruit trees of all kinds, the guarantee of present abundant subsistence and of future luxury. Pass it in ten years, and the log buildings will have disappeared. The shrubs and forest trees will be gone. The Arcadian aspect of humble and retired abundance and comfort, will have given place to a brick house, with accompaniments like those, that attend the same kind of house in the older countries. By this time the occupant, who came there with, perhaps, a small sum of money, and moderate expectations, from humble life, and with no more than a common school education, has been made, in succession, member of the assembly, justice of the peace, and finally county judge.'

'I admit that the first residence among the trees affords the most agreeable picture to my mind; and that there is an inexpressible charm in the pastoral simplicity of those years, before

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pride and self consequence have banished the repose of their Eden, and when you witness the first struggles of social toil with the barren luxuriance of nature.' pp. 52, 53.

The author's account of the fleet of boats with their contents, which he saw at the mouth of the Bayou, near New Madrid, on their way to New Orleans, will give the reader an idea of the products of the upper country.

'In the spring, one hundred boats have been numbered, that landed in one day at the mouth of the Bayou, at New Madrid. I have strolled to the point on a spring evening, and seen them arriving in fleets. The boisterous gaiety of the hands, the congratulations, the moving picture of life on board the boats, in the numerous animals, large and small, which they carry, their different loads, the evidence of the increasing agriculture of the country above, and more than all, the immense distances which they have already come, and those which they have still to go, afforded to me copious sources of meditation. You can name no point from the numerous rivers of the Ohio and the Mississippi, from which some of these boats have not come. In one place there are boats loaded with planks, from the pine forests of the southwest of New York. In another quarter are the Yankee *notions* of Ohio. From Kentucky, pork, flour, whiskey, hemp, tobacco, bagging, and bale rope. From Tennessee there are the same articles, together with great quantities of cotton. From Missouri and Illinois, cattle and horses, the same articles generally as from Ohio, together with peltry and lead from Missouri. Some boats are loaded with corn in the ear and in bulk; others with barrels of apples and potatoes. Some have loads of cider, and what they call 'cider royal,' or cider that has been strengthened by boiling or freezing. There are dried fruits, every kind of spirits manufactured in these regions, and in short, the products of the ingenuity and agriculture of the whole upper country of the West. They have come from regions, thousands of miles apart. They have floated to a common point of union. The surfaces of the boats cover some acres. Dunghill fowls are fluttering over the roofs, as an invariable appendage. The chanticleer raises his piercing note. The swine utter their cries. The cattle low. The horses trample, as in their stables. There are boats fitted on purpose, and loaded entirely with turkies, that, having little else to do, gobble most furiously. The hands travel about from boat to boat, make inquiries and acquaintances, and form alliances to yield mutual assistance to each other, on their descent from this to New Orleans. After an hour or two passed in this way, they spring on shore to raise the wind in

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town. It is well for the people of the village, if they do not become riotous in the course of the evening; in which case I have seen the most summary and strong measures taken. About midnight the uproar is all hushed. The fleet unites once more at Natches, or New Orleans, and, although they live on the same river, they may, perhaps, never meet each other again on the earth.

'Next morning, at the first dawn, the bugles sound. Every thing in and about the boats, that has life, is in motion. The boats, in half an hour, are all under way. In a little while they have all disappeared, and nothing is seen, as before they came, but the regular current of the river.' pp. 103, 104.

The following story of a desperate and successful defence of a log house, against a party of hostile Indians, partakes a little of the marvellous; but it is well told.

'The name of the hero in question [whom the author knew] was Baptiste Roy, a Frenchman, who solicited, and, I am sorry to say, in vain, a compensation for his bravery from Congress. It occurred at *Côte sans Dessein*, on the Missouri. A numerous band of northern savages, amounting to four hundred, beset the garrison house, into which he, his wife, and another man had retreated. They were hunters by profession, and had powder, lead, and four rifles in the house. They immediately began to fire upon the Indians. The wife melted and moulded the lead, and assisted in loading, occasionally taking her shot with the other two. Every Indian that approached the house was sure to fall. The wife relates, that the guns would soon become too much heated to hold in the hand. Water was necessary to cool them. It was, I think, on the second day of the siege, that Roy's assistant was killed. He became impatient to look on the scene of execution, and see what they had done. He put his eye to the port hole, and a well aimed shot destroyed him. The Indians perceived that their shot had taken effect, and gave a yell of exultation. They were encouraged by the momentary slackening of the fire, to approach the house, and fire it over the heads of Roy and his wife. He deliberately mounted the roof, knocked off the burning boards, and escaped untouched from the shower of balls. What must have been the nights of this husband and wife? After four days of unavailing siege, the Indians gave a yell, exclaimed, that the house was a "grand medicine," meaning, that it was charmed and impregnable, and went away. They left behind forty bodies to attest the marksmanship and steadiness of the besieged, and a peck of balls, collected from the logs of the house.' pp. 162, 163.

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We close our extracts with the history of 'the rose of the prairie,' a Miss Jamieson, of whose parents the author makes affectionate mention in his letters.

'She was long a pupil in my family. From the first of her residence with us she was an object of general attention, for she was beautiful, the rose of the prairie, and she was at the most interesting period of life; and she was gay and untamed in the possession of an uncontrolled flow of spirits, and as buoyant as the fawn of her own prairie. The regulations of a religious family in that region differ widely from ours. When she first resided with us she was disposed to consider our rules as odious, and our restrictions as tyranny. But in the progress of her studies and of more mature acquaintance, she became tranquil, satisfied, and studious, exhibiting an affectionate submission, that endeared her to us all. She soon became to me as one of my children. A conversation, which I had with her, during that severe sickness, which I have mentioned, will long be remembered in my family. Contrary to all expectations, I recovered, and had the satisfaction to see the pensive thoughtfulness, that had long been gathering on her brow, assume the form of piety and religion. When we were about to depart from that region for the Arkansas, her parting from my family was affectionate and solemn. I crossed the Missouri with her, and listened with delight to her views, her resolutions, and the plans, which she proposed for her future life. You will believe, that they were not the less interesting to me for being seasoned with a spirit of romance. But she laid down, as the outline, the steady and unalterable guidance of religion. The counsels which I gave her, as we were passing the stream, were of course paternal and affectionate, for I expected to meet her no more.'

'Why should I refrain from giving a few more details of this interesting young woman, through fear that this page should take the form of romance.' 'My mind and my memory suggest in the case of this young person, so dear to my family, far more than I shall relate, and instead of wishing to color, I shall be obliged to touch only, the remaining incidents of her short career. There resided in her father's family a very respectable young man. He was rather silent and reserved in his manners, but thinking, intelligent, and of a very different cast from the young men in his vicinity. Still, he was not exactly calculated to win the affections of a beautiful young woman, in whose mind there was, perhaps, but one obliquity, and that had been caused by the perusal of the novels of the day. He was not her hero, her "beau ideal." We knew his worth. We knew his true and honorable affection, truly and honorably expressed. He was in a respectable employ-

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ment, and looked to the very lucrative and respectable office, which he has since held in the country of St. Louis. Mrs. F. who knew the wishes of her parents, labored the point with her, that the prospect of good sense, fidelity, tried affection, and honorable support, were the best guarantees of happiness in the wedded state. It was not easy to dispel the day dreams, which she had fostered from the idle reading of the day. But with the growing influence of religion, there grew up also more sober and just surveys of life and its duties, and a stronger wish to gratify her parents in the first desire of their hearts. She was engaged to this young man, and on my return with my family from Arkansas, I heard with great pleasure, that she was shortly to reward his honorable and persevering attachment, with her hand. The wedding day was fixed, and all was sober expectation of tranquillity and happiness. The charming and endeared eldest daughter was to be fixed near the plantation of her father. Another square with its compartments of verdure was to be struck out of the brown of the heath. I envy no man, if it be not the father that so settles beloved children around him. This young man, in view of his prospects, probably envied no man. She was suddenly siezed with one of the terrible fevers of the country, which riot so fatally in a frame so elastic and healthful as hers. It ought to cheer us that we may lay hold of a resource, which will enable us to triumph over human passions and fears, over love and death. The sincerity of her religion was tested in this way.'

'She called her lover to her bed, and took of him the tenderest parting. She sang with the family the simple, but sweet hymn, so common in that country, and in which she delighted when in health; "The day is past and gone," &c. She bade them farewell, and closed her eyes in peace upon all the joyful prospects that were opening before her. Circumstances, not necessary to detail, compelled them to make her bridal dress her shroud. The father, the mother, soon followed this daughter, too dearly loved, too deeply lamented. I have been in view of this desolate habitation, but I have not wished to enter it. I have felt more intensely than ever, as I saw these cabins again, the pathetic close of the story of "Paul and Virginia."' pp. 194—197.

An obvious fault in this work is the confusion, which the reader experiences in its perusal, arising from the circumstance, that the author seems sometimes to be writing at Alexandria, sometimes in New England, and at other times it is difficult to conjecture where. Instances of repetition in thought and language frequently occur. The same word is often repeated un-

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gracefully in the same sentence, where a synonyme would save the awkwardness, and express the sense equally well. The threadbare quotation, 'longing, lingering look behind,' comes upon us something like half a dozen times. Many parts of the work bear evident marks of haste in the composition. We notice these, not as flagrant faults, but as blemishes, which a little more attention, or careful revision would have prevented. The author's doctrine, that the slaves in Louisiana are the 'happiest people there, and in general *far more so than their masters*,' is extraordinary, to say the least of it. If such be the true state of things, the wonder is, that the masters are not wise enough to change places with their slaves, and grasp for themselves the felicity of servitude. Why be the wretched master, when it is so easy to turn the tables, and become the happy slave?

ART. VIII.—*The Works of Anna Lætitia Barbauld, with a Memoir by Lucy Aikin.* 2 vols. 12mo. New York; and Cambridge, Massachusetts.

MRS Barbauld may be considered a fortunate and successful writer. It is now more than half a century since she became a favorite with the public. Her first efforts succeeded in obtaining the applause of those, who were capable of receiving gratification from chaste productions of taste and intellect; and her early fame was not clouded by any deficiencies or negligence, in the attempts of maturer years. She published only at long intervals, and sparingly, during a protracted life, and gave to the world, therefore, only her best thoughts, struck out in her happier moments of inspiration, and carefully revised and polished. She always secured public respect. Few, who have written in our times, have inspired more warm and uniform regard; few have left a name, which virtue and taste will more delight to honor.

The age is marked not more by the amount, than by the excellence, of its female literature. Until within a comparatively recent period, the appearance of a female writer, of merit sufficient to secure her a place among the classical authors of her country, was a rare phenomenon. We had a Dacier, a Mon-

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tague, a Sévigné, and a few others, but their contributions to the general stock of elegant and useful literature were very scanty. The whole of their productions of any value, which have survived to the present day, might be compressed within a very few volumes, and if annihilated, would hardly be missed. Our female literature has now swollen to a large bulk. Of the whole mass of publications, by which the age has been instructed or amused, no contemptible portion has been furnished by the gentler sex. Nor have their effusions been wholly of a light, or frivolous character, fitted only to obtain a temporary popularity, founded on caprice or bad taste. Many of them will bear comparison with the best productions of the human intellect, at this or in any period. They have a compass, strength, and richness, which stamp on them features of durability and excellence. With few exceptions, too, they are distinguished for chasteness of sentiment and style, and are exerting a decided and important influence over the public mind. A large proportion of the popular female literature, which has been produced since the middle of the last century, has been fitted not merely to furnish innocent gratification; it has partaken of a moral, practical cast, and tended to chasten and reform public taste and sentiment. It has rendered important aid to virtue, by rescuing fiction from the service of corruption and profligacy, and converting it into a powerful agent in correcting the moral judgments, and refining and exalting the moral feelings of the community. It has performed much for the cause of education, making us feel our want of a literature adapted to the demands of juvenile understandings, and doing something to meet this want.

Learning has assumed a more popular garb, than she formerly wore, and is becoming more easy of access, more simple and familiar. She is no longer the tenant solely of universities and cloisters; she has laid aside her scholastic robes, and has gone forth into the world, and is carrying instruction and solace into every hamlet and cottage. The writings of several distinguished females have had great influence in effecting this change, so auspicious to the best interests of human nature. Among these, Mrs Barbauld holds a conspicuous rank. This will appear no faint praise, when it is recollected, that she numbered among her contemporaries De Staël, More, Steele, Baillie, Edgeworth, and others who shared with them the patronage of the public. If she was inferior to some of these in particular traits of mental excellence; if she had less of inspiration, was

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less soaring and discursive than Madame De Staël; less conversant with manners and life, less rich and inventive, than Miss Edgeworth; and less severe, less enthusiastic, less sublimated, and, if you please, less extravagant than Hannah More, she possessed qualities, which happily modifying and aiding each other, formed a union so useful, rare, and venerable, that no praise we can bestow on her, we had almost said, is in danger of appearing misplaced or excessive.

Mrs Barbauld was nurtured in solitude, and under circumstances well adapted to strengthen habits of reflection, and form a pure taste. She was born at Kibworth Harcourt, in Leicestershire, June 20th, 1743, and was the only daughter of the Rev. John Aikin, then teacher of a dissenting Academy in that place, and afterwards classical tutor in the academy at Warrington. She was distinguished from infancy for quickness of apprehension; she was eager for knowledge, and was enabled, with the assistance of her father, to obtain some tincture of classical learning, at that time rare as a female accomplishment. Her first publication was a volume of poems, which was given to the world in 1773, during her residence at Warrington. In 1774, having become united with Mr Barbauld, who had accepted the charge of a dissenting congregation at Palgrave, she retired with him to that place. He immediately opened a boarding school, and Mrs Barbauld participated with him in the task of instruction, taking the departments of English composition, geography, and declamation. Her instructions appear to have been highly valued; they are described as having been popular and impressive, and were remembered with delight by several individuals, who have since distinguished themselves in literature and public life. She received as 'her own peculiar pupils' several boys almost in infant years, and it was for the use of this younger class, that the well known 'Hymns in Prose for Children' were originally written.

Having passed eleven years of fatiguing occupation at Palgrave, Mr and Mrs Barbauld determined on quitting it; and, having sought relaxation for an interval of several months on the continent, they returned to London in June, 1786, and early in the next year fixed themselves at Hampstead. While here, in 1790 and the two following years, besides several performances on topics suggested by passing events, she produced her 'Remarks on Mr Gilbert Wakefield's Enquiry into the Expediency and Propriety of Public or Social Worship,' and furnished some

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contributions to the popular work of her brother, 'Evenings at Home,' the first volume of which appeared in 1792. She offered nothing more to the public for several years, excepting two critical essays, one prefixed to an edition of Akenside's 'Pleasures of Imagination,' and the other to Collins's Odes. In 1802 she removed with Mr Barbauld to Stoke Newington, then the residence of her brother, the late Dr Aikin, Mr Barbauld having previously accepted an invitation to become pastor of the congregation formerly under the care of Dr Price, at Newington Green.

Mrs Barbauld had a strong feeling of attachment to what has been termed the Augustan age of English literature, and in 1804 she gratified this feeling by presenting to the public a selection, designed principally for the use of young persons, from the Spectator, Tatler, and Guardian, to which she prefixed a critical essay of great merit. Her remarks in this essay on the character and influence of those celebrated productions, on the almost idolatrous veneration with which they were for many years viewed, the revolutions of public taste they have since passed through, and the comparative neglect into which they have now sunk, and particularly her observations on the genius, character, and style of Addison, we consider among her happiest effusions. She was next employed in making a selection from the letters of Richardson, the novelist, which she published in 1804, in six volumes, prefixing a life of the author, and a review of his works.

In 1808 she was deprived of her husband, who appears to have been a man every way deserving of respect. An interesting memoir of him, from the pen of Mrs Barbauld, was published in 'The Monthly Repository of Theology and General Literature,' from which we make the following extract.

'The scenes of life Mr Barbauld passed through were common ones, but his character was not a common one. His reasoning powers were acute and sharpened by exercise.' 'He had an uncommon flow of conversation on those points which had engaged his attention, and delivered himself with a warmth, which enlivened the driest subject. He was equally at home in English and French literature; and the exquisite sensibility of his mind, with the early culture his taste had received, rendered him an excellent judge of all those works which appeal to the heart and the imagination.'

In her hours of dejection, occasioned by his death, Mrs Barbauld sought relief in literary occupation, and in 1810 edited a

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collection of the British Novelists, with an Introductory Essay, and Biographical and Critical Notices. The last of her separate publications was 'that beautiful offspring of her genius, "Eighteen Hundred and Eleven."'

'No incident worthy of notice,' observes her biographer, 'henceforth occurred to break the uniformity of her existence. She gave up all distant journeys; and confined at home to a narrow circle of connexions and acquaintances, she suffered life to slide away, as it were, at its own pace,

"Nor shook the outhasting sands, nor bade them stay."'

'Her powers of conversation suffered little declension to the last, although her memory of recent circumstances became somewhat impaired.' 'A gentle and scarcely perceptible decline was now sloping for her a passage to the tomb; she felt and hailed its progress as a release from languor and infirmity, a passport to another and a higher state of being.'

She expired without a struggle March 9th, 1825, in the eighty-second year of her age, while on a visit at the house of her sister in law, Mrs Aikin.

Her private character appears to have commanded uniform respect. She was modest and reserved in her manners, though her reserve was not that of pride, but of diffidence; her temper inclined her to friendship and society; her affections, if not the most lively, were strong and constant. 'She passed through a long life without having dropped, it is believed, a single friendship, and without having drawn down upon herself a single enmity, which could properly be called personal.'

For her intellectual and moral qualities we feel, on the whole, much veneration. We are not ready to admit, that she possessed every feature requisite to constitute genius of the first order. She was somewhat deficient in sensibility and ardor; she had originally little depth of feeling and little pathos. She addresses more the intellect and imagination than the heart, and seldom indulges the 'melting mood,' seldom utters those fervid and glowing strains, which, reaching the inmost recesses of the breast, stir up all the intenser feelings of our nature. 'In some tempers,' observes Miss Aikin 'sensibility appears an instinct, while in others it is the gradual result of principle and reflection, of the events and experience of life. It was certainly so in that of Mrs Barbauld.' Of this we have evidence in her works. That she possessed strength of affection, and had a kind

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and indulgent heart, we have already admitted; but her eloquence was that of mild persuasion, rather than of deep feeling. It was calm, sweet, and winning, hung round with gentle and modest attractions. It was the serenity of Goldsmith, not the pathos of Otway.

We are not disposed to complain of Mrs Barbauld for deficiency of feeling. We should, if we know ourselves, be among the last to detract from the respect which follows her name. Her merits are so great, in other respects, that she can better spare the charm of sensibility. We do not charge her with downright apathy, nor pronounce her a chilling writer. She furnishes not cold moonlight scenes alone, but has a gentle warmth. Her language does not fall dead on the ear; it makes a strong impression; it produces a calm and still, but pleasing and permanent effect. We are less inclined to complain of her want of sensibility, as the tendency of the age is, in some respects, towards wild fervor and extravagance. There is a strong appetite for the vague, the dreamy, the fantastic, and the shapeless. Men want to be powerfully excited; their feelings must be harrowed up, and their imaginations inflamed by glowing and exaggerated representations and fictions. The mind must have keen stimulants, and is not always very delicate in the choice of them. It is satisfied with those of the grosser sort, and such as are, at least, of a doubtful tendency, being adapted full as often to corrupt, to weaken, and degrade, as to regenerate, to strengthen, and exalt. We are not now in danger of famishing over a scanty, cold, and superficial literature, but of being disgusted or surfeited with mawkishness of feeling, wordy insipidity, and the rant of 'maudlin eloquence.' While such is the tendency of the age, we are not sorry, occasionally to meet with productions partaking of the calm and chastened manner of Mrs Barbauld. The public may derive benefit from them.

Mrs Barbauld formed herself on the model of the writers of Queen Anne's time. Addison appears to have been her favorite author, and there were, in the opinion of Miss Aikin, several striking points of resemblance between the two. We are not quite satisfied, however, with her enumeration of the characteristic traits possessed in common by both.

Addison in his own peculiar walk remains unequalled. His exquisite humor, his sweetness, his rich and delicate imagery, his simplicity and 'genuine anglicism,' possess striking charms.

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His style is more strictly idiomatic, than that of any writer we can name. Mrs Barbauld, though easy and flowing, has much less of idiom. Great as were the merits of Addison, however, he had defects from which Mrs Barbauld is free. She is less diffuse, less careless and inexact, and more comprehensive and profound than her great model. Partial as she was to the wits of the preceding age, she felt for them no superstitious veneration; she saw their faults and avoided them.

Mrs Barbauld possessed a capacious and discriminating understanding, and strong practical sense. Her powers, originally vigorous, were refined and strengthened by assiduous culture, and exerted with force and success. She is always adequate to her subject; her views are wide and her arguments and illustrations well chosen, solid, and impressive; and she never leaves us dissatisfied with poverty of conception, or superficial, hasty reasoning. Her remarkable share of acuteness and discernment enabled her to avoid confusion of ideas and sophistry of argument.

Were we asked to point out any one specimen of her power of discrimination, and, we add, her habits of careful observation, we should be satisfied with referring to her 'Observations on Sects and Establishments,' which no one can read without a strong feeling of admiration for the sagacity of the author. Of her sound judgment and plain good sense no one, in the least conversant with her writings, can entertain a doubt; they appear in all her productions. She never disgusts us by extravagance; she cannot be pronounced visionary and speculative. She does not constantly strive for effect, nor attempt to dazzle or astonish; she never writes for display, never resorts to a style of extravagance and overwrought description, that common artifice of the vulgar sort of writers. Sound reasoning and good sense form the texture of her graver performances. These are set off by the charms of a natural, chaste, and masculine eloquence. She felt no blind veneration for system, timehallowed forms and opinions; but was accustomed to exert the understanding, and allow great weight to its decisions. Her views and illustrations, her trains of thought and argument, without being farfetched, appear just and forcible, for they are drawn from her own reflections, from surrounding nature, and the common sentiments and common feelings of the human breast. She conducts us to truth through avenues at once short, inviting, and beautiful. We often know not, whether more to admire the important practical

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conclusions in which she rests, or the simple and pleasing process by which she arrives at them.

With a vigorous and large understanding she united a gay and vivid fancy. She excelled in light and sportive description. That rich and exquisite vein of humor, which diffused such a charm over the pages of Addison, was never attempted by her. But in short and lively sketches, in slight, airy, and winning narrative, she will be admitted to have been uncommonly happy. For attempts of this kind she was remarkably well fitted by her playfulness of fancy, ready invention, and power of investing her thoughts in light and graceful drapery. In all her graver pieces, intellect predominates over imagination. The latter faculty was in her rather sprightly and beautiful, than splendid and imposing; it pictured out quiet and attractive scenes; it was not the parent of lofty inspiration. On subjects of a common nature and common interest, she never fails of affording us high gratification.

None will withhold from Mrs Barbauld the praise of correct taste. Whatever capricious judgments may be pronounced concerning her merits in other respects, on this point there can be no dissent. As a critic, she was impartial and sagacious. She had a relish for the genuine beauties of nature and of art; nor was she insensible to the more hidden graces of sentiment and expression. As a writer, she has few blemishes. Her powers originally well balanced, her quick apprehension, her calm temperament, and early familiarity with the best models, were favorable to the acquisition of a delicate taste, and she did not want the industry requisite for maturing it.

Of her style, little need be added to the incidental notices already taken. It is marked by great purity and correctness, and exhibits a happy union of strength, simplicity, and grace; usually plain, transparent, and expressive; on lighter subjects, rapid and lively, and on the more weighty, dignified and full. It is sufficiently embellished, without superfluous ornament, and refined, without ceasing to be natural.

It only remains to speak briefly of the moral and devotional character of her writings. All will allow her great purity and elevation of mind and feelings. She had sound and fixed principles of morality. These principles, with her, did not remain mere cold abstractions; they send an influence to the heart; they tinge all her reflections, views, and language. Her writings not merely recognise the lasting and unalterable distinctions of

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right and wrong as a part of speculative ethics; there is a moral air, coloring, and drapery thrown over all of them, and so firmly adhering, that they cannot be removed, without destroying the whole form and texture. To assert that her pages send out no poisonous influence, that the spirit which breathes from them, is incapable of tarnishing a mind of unsullied whiteness, is to allow her but a small part of her merit. No one can become familiar with her language and sentiments, without being sensible, not merely that his feelings have received no injury, no stain, but that they have gained something in vigor and delicacy. Moral ideas are introduced into her writings frequently enough to impart a hue, a prevailing expression, to her ordinary trains of thought, but never appear misplaced or obtrusive. The cast of her morality, though pure and elevated, is not gloomy and ascetic. She was not by temperament inclined either to fanaticism or rigor; but was serious without austerity, and, without romantic sentiment, possessed feelings alive to the delicate shades of moral beauty.

With Mrs Barbauld's devotional taste and feelings, the public is already well acquainted. Several of her beautiful hymns have long enriched our best collections of sacred poetry, and are esteemed by all who are capable of taking delight in sentiments of elevated and confiding piety, clothed in the attractions of verse. The devotional spirit of her 'Hymns in Prose for Children,' is felt, we presume, by most persons, to constitute one of their distinguishing excellences, and to add greatly to the charms of those simple, impressive, and deservedly popular productions. Her piety was calm and rational, yet a pervading sentiment, intimately blending with all her views, affections, and hopes. It partook of a serene and cheerful, rather than of a desponding and anxious character. Whenever the train of her reflections leads her to introduce devotional sentiments, she conveys them in language at once definite and forcible. She never loses herself in the cloudy regions of mysticism, never disgusts us by gross ideas and coarseness. She was a friend to earnestness, fervor, and simplicity in devotion, and it is matter of pleasing reflection, that writings of so popular a stamp, destined to form part of our familiar literature, breathe a moral and devotional spirit so unexceptionable, so pure, and so elevated.

We now proceed to illustrate our observations by a few extracts. Mrs Barbauld's works are of a very miscellaneous character. The first volume, besides a well written Memoir of the

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author by Miss Aikin, contains her poems, most of which have before appeared in the collection already alluded to, in separate pamphlets, and the magazines of the day; and they are now collected and arranged, we are told, in nearly a chronological order. Of these poems many are of a light, though pleasing character, and written in an easy and correct style of versification. The longest, and certainly one of the best in point of poetic merit, is 'Eighteen Hundred and Eleven.' This charming production of genius and taste would of itself be sufficient to establish Mrs Barbauld's fame on an immoveable basis. It strongly reminds us of the best strains of the author of 'The Deserted Village,' and 'The Traveller.' But we will not mar it by any extracts.

As a specimen of the author's powers of familiar, lively, and somewhat humorous description, may be mentioned the lines on 'Washing day.' The following stanzas from the 'Ode to Remorse' may be taken as an example of her more dignified and serious manner.

'Dread offspring of the holy light within,
Offspring of Conscience and of Sin,
Stern as thine awful sire, and fraught with woe
From bitter springs thy mother taught to flow,—
Remorse! To man alone 't is given
Of all on earth, or all in heaven,
To wretched man thy bitter cup to drain,
Feel thy awakening stings, and taste thy wholesome pain.'

'Thy goading stings the branded Cain
Cross the' untrodden desert drove,
Ere from his cradling home and native plain
Domestic man had learnt to rove.
By gloomy shade or lonely flood
Of vast primeval solitude,
Thy step his hurried steps pursued,
Thy voice awoke his conscious fears,
For ever sounding in his ears
A father's curse, a brother's blood;
Till life was misery too great to bear,
And torturing thought was lost in sullen dumb despair.'

'Mark that poor wretch with clasped hands!
Pale o'er his parent's grave he stands,—
The grave by his ingratitude prepared;
Ah then, where'er he rests his head,

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On roses pillowed or the softest down,
Though festal wreathes his temples crown,
He well might envy Guatimozin's bed,
With burning coals and sulphur spread,
And with less agony his torturing hour have shared.

For Thou art by to point the keen reproach;
Thou draw'st the curtains of his nightly couch,
Bring'st back the reverend face with tears bedewed,
That o'er his follies yearned;
The warnings oft in vain renewed,
The looks of anguish and of love,
His stubborn breast that failed to move,
When in the scorner's chair he sat, and wholesome counsel spurned.

Lives there a man whose laboring breast
Is with some dark and guilty secret prest,
Who hides within its inmost fold
Strange crimes to mortal ear untold?
In vain to sad Chartreuse he flies,
Midst savage rocks and cloisters dim and drear,
And there to shun thee tries:
In vain untold his crime to mortal ear,
Silence and whispered sounds but make thy voice more clear.' Vol. I. pp. 178–181.

Mrs Barbauld's later productions give evidence of the mellowing influence of time. A few of them certainly make near approaches to the pathetic. The following, 'On the Death of the Princess Charlotte,' is beautiful and touching.

Yes, Britain mourns, as with electric touch,
For youth, for love, for happiness destroyed,
Her universal population melts
In grief spontaneous, and hard hearts are moved,
And rough unpolished natures learn to feel
For those they envied, levelled in the dust
By Fate's impartial stroke; and pulpits sound
With vanity and woe to earthly goods,
And urge and dry the tear.—Yet one there is
Who midst this general burst of grief remains
In strange tranquillity; whom not the stir
And long drawn murmurs of the gathering crowd,
That by his very windows trail the pomp

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Of hearse, and blazoned arms, and long array
Of sad funereal rites, nor the loud groans
And deep felt anguish of a husband's heart,
Can move to mingle with this flood one tear:
In careless apathy, perhaps in mirth,
He wears the day. Yet is he near in blood,
The very stem on which this blossom grew,
And at his knees she fondled in the charm
And grace spontaneous which alone belongs
To untaught infancy:—Yet, O forbear!
Nor deem him hard of heart; for awful, struck
By Heaven's severest visitation, sad,
Like a scathed oak amidst the forest trees,
Lonely he stands; leaves bud, and shoot, and fall;
He holds no sympathy with living nature
Or time's incessant change. Then in this hour,
While pensive thought is busy with the woes
And restless change of poor humanity,
Think then, O think of him, and breathe one prayer,
From the full tide of sorrow spare one tear,
For him who does not weep! pp. 197, 198.

The 'Thought on Death,' written at the age of seventyone, we cannot forbear to quote, notwithstanding it has been so often published.

When life as opening buds is sweet,
And golden hopes the fancy greet,
And Youth prepares his joys to meet,—
Alas how hard it is to die!

When just is seized some valued prize,
And duties press, and tender ties
Forbid the soul from earth to rise,—
How awful then it is to die!

When, one by one, those ties are torn,
And friend from friend is snatched forlorn,
And man is left alone to mourn,—
Ah then, how easy 't is to die!

When faith is firm and conscience clear,
And words of peace the spirit cheer,
And visioned glories half appear,—
'T is joy, 't is triumph then to die.

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When trembling limbs refuse their weight,
And films, slow gathering, dim the sight,
And clouds obscure the mental light,—
'T is nature's precious boon to die. p. 188.

The second volume contains a selection from the author's private correspondence, and most of her miscellaneous pieces in prose, published in different forms during her life. Her letters are easy and natural. They have not the simplicity and charms of Cowper's; they appear less the effusions of the heart than his. They have less wit and brilliancy, perhaps, than Lady Montague's; less of passionate sentiment, and less the air of the world, than those of Madame Sévigné; they are, however, sprightly and agreeable, and on the whole leave an impression highly creditable to the author. They are in a familiar strain, occasionally interspersed with a little light criticism, but contain fewer notices of contemporary events, and fewer literary anecdotes of the times, than could be wished. Those written during her travels on the continent, contain some pleasing descriptions, though the topics and incidents have little of the attraction of novelty. But our readers may be pleased to have an opportunity of judging for themselves, of the merits of her epistolary style. The following is a pretty favorable specimen.

'Believe me, my dear Betsy, my heart has some time reproached me for being in your debt. I am much obliged to you for your kind invitation to Bedford: certainly few things would give me more pleasure than conversing with my Betsy; but it will not be in my power to reach Bedford this time. I have already been so long from home, that they begin to be impatient for my return, and I would not trespass too far upon their goodness who, I am sensible, in some measure deny themselves in being without me.

'Patty and I are now with Mrs K. She and I are great walkers, and in fine weather often stroll about almost all the morning; but we have very little to do with visiting any public places except the playhouses, where we have been three or four times. Last night we saw the West Indian, a very pretty play, as we thought on reading it; but the characters are so ill cast, that we had not half the pleasure in seeing it. One part, indeed, the Irishman, was excellently done, but that was the only one; I think they seem to want actors very much for easy, genteel characters, which are more difficult to support than mimicry or strong marked passions. The chaste and delicate sensibilities of a young un-

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practised heart, or the decorums of a virtuous character, must be very difficult to assume; and indeed there are so many qualifications requisite to make a perfect actor, it is almost pity one possessed of them should follow the profession, nor is it surprising there should be but one upon the stage at once. . . . . I admire Mrs K. beyond most women I know, that engaged as she is by matrimonial connexions, she is not engrossed by them, but has a heart as open to every other endearing relation and friendly sentiment as ever. It is not true, what Dr Fordyce insinuates, that women's friendships are not sincere; I am sure it is not; I remember when I read it I had a good mind to have burnt the book for that unkind passage. I hope the Doctor will give us our revenge, as he has begun his sermons to young men; they were advertised in the papers,—was it not a piece of parade unbecoming a preacher? It would be difficult to determine whether the age is growing better or worse; for I think our plays are growing like sermons, and our sermons like plays.'

The miscellaneous pieces are of unequal merit; many of them contain rich treasures of thought and expression; some are of the first order of excellence, and all are capable of affording either instruction or pleasure. The essay 'Against Inconsistency in our Expectations' deserves all the praise it has ever received. It contains a great deal of sound practical ethics, and much sprightliness and eloquence. We can hardly point to a piece, which, within the same compass, embodies more good sense, and presents views of life more just or more happily illustrated.

The longest piece in the volume, of all Mrs Barbauld's compositions, is that called forth by the publication of Wakefield's 'Enquiry concerning Public or Social Worship.' Though occasional in its origin, it relates to topics of general and permanent interest, and exhibits a compass of thought, a force of argument, and a correctness and felicity of language, which entitle it to rank with the best productions of English literature.

Of the remaining pieces in this volume, those on 'Education' and 'Prejudice,' will perhaps be read with the deepest interest. They were among the author's later productions, and may be regarded as containing the results of her maturest reflections, aided by wide observation and long experience. They bear the impress of her usual good sense and practical judgment, and have more than her usual share of spirited and impressive eloquence. The first has a tendency to calm the anxious fears of

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parents, arising from a view of the numerous conflicting systems of education, by teaching that the process, by which a 'human being is formed to be what he is,' has more simplicity in it than is generally imagined; that it is going on every day; that it may be aided by artificial provisions, but that time, nature, and situation, with the numerous checks and excitements they offer, are principally concerned in carrying it forward. But the train of her thoughts will be best understood from her own language.

'You engage for your child masters and tutors at large salaries; and you do well, for they are competent to instruct him: they will give him the means, at least, of acquiring science and accomplishments; but in the business of education, properly so called, they can do little for you. Do you ask, then, what will educate your son? Your example will educate him; your conversation with your friends; the business he sees you transact; the likings and dislikings you express; these will educate him; —the society you live in will educate him; your domestics will educate him; above all, your rank and situation in life, your house, your table, your pleasure grounds, your hounds and your stable will educate him. It is not in your power to withdraw him from the continual influence of these things, except you were to withdraw yourself from them also. You speak of *beginning* the education of your son. The moment he was able to form an idea, his education was already begun; the education of circumstances—insensible education—which, like insensible perspiration, is of more constant and powerful effect, and of infinitely more consequence to the habit, than that which is direct and apparent. This education goes on at every instant of time; it goes on like time; you can neither stop it nor turn its course. What these have a tendency to make your child, that he will be. Maxims and documents are good precisely till they are tried, and no longer; they will teach him to talk, and nothing more. The *circumstances* in which your son is placed will be even more prevalent than your example; and you have no right to expect him to become what you yourself are, but by the same means. You, that have toiled during youth, to set your son upon higher ground, and to enable him to begin where you left off, do not expect that son to be what you were,—diligent, modest, active, simple in his tastes, fertile in resources. You have put him under quite a different master. Poverty educated you; wealth will educate him. You cannot suppose the result will be the same. You must not even expect that he will be what you now are; for though relaxed perhaps from the severity of your frugal habits, you still derive advantage from having formed them; and, in your heart, you like

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plain dinners, and early hours, and old friends, whenever your fortune will permit you to enjoy them. But it will not be so with your son: his tastes will be formed by your present situation, and in no degree by your former one.'

'Do we see a father who is diligent in his profession, domestic in his habits, whose house is the resort of well informed intelligent people—a mother whose time is usefully filled, whose attention to her duties secures esteem, and whose amiable manners attract affection? Do not be solicitous, respectable couple, about the moral education of your offspring! do not be uneasy because you cannot surround them with the apparatus of books and systems; or fancy you must retire from the world to devote yourselves to their improvement. In your world they are brought up much better than they could be under any plan of factitious education which you could provide for them: they will imbibe affection from your caresses; taste from your conversation; urbanity from the commerce of your society; and mutual love from your example. Do not regret that you are not rich enough to provide tutors and governors, to watch his steps with sedulous and servile anxiety, and to furnish him with maxims it is morally impossible he should act upon when grown up. Do not you see how seldom this over culture produces its effect, and how many shining and excellent characters start up every day, from the bosom of obscurity, with scarcely any care at all?'

The second essay alluded to, is devoted to an examination of the use of prejudices in education, and triumphantly exposes the fallacy of the maxim sometimes avowed, 'Give your child no *prejudices;* let reason be the only foundation of his opinions; where he cannot reason, let him suspend his belief.'

'But it is in truth,' observes the author, 'the most absurd of all suppositions, that a human being can be educated, or even nourished and brought up, without imbibing numberless prejudices from every thing which passes around him. A child cannot learn the signification of words without receiving ideas along with them; he cannot be impressed with affection to his parents and those about him, without conceiving a predilection for their tastes, opinions, and practices. He forms numberless associations of pain or pleasure, and every association begets a prejudice; he sees objects from a particular spot, and his views of things are contracted or extended according to his position in society: as no two individuals can have the same horizon, so neither can any two have the same associations; and different associations will produce different opinions, as necessarily as, by the laws of perspective, different dis-

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tances will produce different appearances of visible objects. Let us confess a truth, humiliating perhaps to human pride;—a very small part only of the opinions of the coolest philosopher are the result of fair reasoning; the rest are formed by his education, his temperament, by the age in which he lives, by trains of thought directed to a particular track through some accidental association—in short, by *prejudice*. But why, after all, should we wish to bring up children without prejudices? A child has occasion to act, long before he can reason. Shall we leave him destitute of all the principles that should regulate his conduct, till he can discover them by the strength of his own genius? If it were possible that one whole generation could be brought up without prejudices, the world must return to the infancy of knowledge, and all the beautiful fabric which has been built up by successive generations must be begun again from the very foundation.'

There is a third volume, which came out after the others, entitled 'A Legacy for Young Ladies, consisting of Miscellaneous Pieces in Prose and Verse, by the late Mrs Barbauld.' It was, as its title indicates, a posthumous publication. The pieces composing it were found among the author's papers after her death, and are designed partly to 'enforce moral truths,' and convey 'instruction in history and other branches of the graver studies of youth,' and partly to exercise the ingenuity and form the taste by light and pleasing, though correct and highly finished sketches. It is sufficient to say of them here, that, in point of literary merit, they do not detract from the high fame of the author; they convey valuable ideas in an agreeable dress; and are adapted to preserve the purity of the female mind, while they furnish occupation for the understanding, and tend to excite and amuse the fancy. The volume contains, besides the 'Legacy,' the fourteen pieces contributed by Mrs. Barbauld to the 'Evenings at Home,' her 'Hymns in Prose,' and the Critical Essay originally prefixed to her 'Selection from the Spectator, Tatler, Guardian.'

Those parts of her writings, which are designed particularly for children, are too well known, and their merits too generally acknowledged, to call for any remarks. They belong to a most useful class of productions, and one with which we have been hitherto but scantily supplied, partly because their importance has not been sufficiently felt, and partly on account of the peculiar difficulty of executing them. A work designed for infant

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and juvenile minds, if it be such as it ought to be, must combine several excellences not very easy of attainment. Hitherto good works of this kind have been rare. The task of making books for children, has been performed, with comparatively few exceptions, by a very worthless class of writers, mere hireling scribblers, who have been entirely regardless of the great moral purpose of education; or by well meaning, but weak minds, wholly unfit for an employment requiring a rare union of delicacy and judgment. The want of something better adapted to the objects of infant education is now generally felt, and we are gratified to witness a disposition in writers of superior merit, at the present day, particularly females, to furnish them. Much remains to be done. It will be long before all, which is capable of being performed in this department, will be accomplished. We flatter ourselves, however, that the deficiency will not long remain as great as it now is; but that something will be done to meet the demands of the age. We trust that the time is not far distant, when careful parents will no longer be compelled, for want of something better, to subject the minds of their children to the sinister influence of works, the starveling offspring of ignorance and quackery; when the whole mass of ill adapted and senseless productions, which now load the shelves of the nursery, and fill the juvenile cabinet, will be thrown aside, and works of a more unexceptionable cast and higher aim will take their places.

ART. IX.—*Message from the President of the United States, transmitting a Report from the Secretary of State, with Copies of the Correspondence with the Government of France, touching the Claims of American Citizens for Spoliations.* February, 1825.

IN a former number of this Journal, we presented our readers with a sketch of the history of the claims of American citizens on the governments of Naples and of Holland, and of the negotiations of the American government, to procure the liquidation and settlement of those claims. A lucid and instructive account of the claims of our citizens on the government of Denmark has been

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published in a contemporary Journal.* We proceed therefore, in the pursuit of the plan originally formed by us, to the consideration of the claims of our citizens on the government of France. These claims, at present, form the subject of our most important controversy with foreign powers. We call it the most important, both because the amount of property involved in it is greater, than is involved in all our other controversies of a similar kind, and because, on the nature of the settlement we may be enabled to make, with France, depends the nature of the settlement we may make with Naples, Holland, and Denmark. When we shall have successfully asserted our claims on France, we shall of course meet with no powerful obstacles, in obtaining justice from the secondary powers; and till we have enforced our rights against the stronger, it would be beneath the dignity of our national character, to assume a lofty and coercive tone, towards the weaker.

It may be necessary to inform some of the younger portion of our readers, precisely in what our claims on France had their origin. It is now twenty years, within a few months, since the famous Berlin decree was promulgated by Napoleon, at the city, whose name it bears. The alleged provocation of this decree was the blockade of the coasts of France and Holland, and of a part of Germany, by the British, and the refusal of the British to permit neutrals to carry on, in a time of war, a trade between the colonies of a belligerent and the mother country, not permitted by the belligerent, in time of peace. These pretensions of the British Government had been strenuously resisted by that of the United States, and formed part of the subjects of the protracted negotiations, first of Mr Monroe, and subsequently of that gentleman and Mr Pinkney. If Napoleon ever entertained the expectation that the government of the United States would be able, through the mild medium of negotiation, to induce the British cabinet to relax from these pretensions, it was not long before he chose to adopt the more violent course of retaliation, and to take the matter into his own hands. Accordingly, on the twentyfirst of November, 1806, the following decree was promulgated at Berlin, with a long preamble which we omit.†

* Since published in a separate form by its author, the Hon. Caleb Cushing of Newburyport.

† The preamble appears without the decree, in Wait's State Papers, VII. 163.

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'ART. I. The British islands are declared in a state of blockade.

'ART. II. All commerce and correspondence with the British islands are prohibited. In consequence, letters or packets addressed either to England, or to an Englishman, *or in the English language*, shall not pass through the post office, and shall be seized.

'ART. III. Every subject of England, of what rank or condition soever, who shall be found in the countries occupied by our troops, or by those of our allies, shall be made a prisoner of war.

'ART. IV. All magazines, merchandise, or property whatsoever, belonging to a subject of England, shall be declared lawful prize.

'ART. V. The trade in English merchandise is forbidden; all merchandise belonging to England, or coming from its manufactories or colonies, is declared lawful prize.

'ART. VI. One half of the proceeds of the confiscation of the merchandise and property, declared good prize by the preceding articles, shall be applied to indemnify the merchants for the losses which they have suffered by the capture of merchant vessels, by English cruisers.

'ART. VII. No vessel coming directly from England or the English colonies, or having been there, since the publication of the present decree, shall be received into any port.

'ART. VIII. Every vessel contravening the above clause, by means of a false declaration, shall be seized, and the vessel and cargo confiscated, as if they were English property.

'ART. IX. Our tribunal of prizes at Paris is charged with the definitive adjudication of all the controversies, which may arise within our empire, or in the countries occupied by the French army, relative to the execution of the present decree. Our tribunal of prizes at Milan shall be charged with the definitive adjudication of the said controversies, which may arise within the extent of our kingdom of Italy.

'ART. X. The present decree shall be communicated by our minister of exterior relations, to the kings of Spain, of Naples, of Holland, and of Etruria, and to our allies, whose subjects, like ours, are the victims of the injustice and barbarism of the English maritime laws. Our ministers of exterior relations, of war, of marine, of finances, of justice, and our postmasters general are charged, each in what concerns him, with the execution of this present decree.'*

* Different versions prevailing of this decree, we have adopted that

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This decree, as appears on its face, though operating almost exclusively on American commerce, was ostensibly applicable to all nations. Some of its provisions are in direct violation of the law of nations, and of the provisions of the Convention of 1800, then existing between America and France. It may be observed, however, that it subjected to confiscation only such merchandise as was British property, or of the manufacture or produce of Great Britain, or of her colonies. With respect to vessels coming from England, it went no further, than to declare that they should not be received into French ports, and such vessels were, with their cargoes, made liable to confiscation, only in case they should have contravened that provision, by means of a false declaration.* This decree remained for a considerable time comparatively inoperative. It drew from the British government, in the month of January following, a prohibition of the coasting trade from port to port in France, but it attracted, upon the whole, no great attention in America. During the first months after its promulgation, a number of American vessels arrived in France, which had been compelled, on their passage, either by stress of weather or by force, to put into English ports. The question of course arose in France, whether in virtue of the seventh article of the Berlin decree, such vessels were liable to seizure; whether the article was aimed only at vessels, that should go voluntarily to England, or included also such as put in only, by what is called *relâche forcée*. The French ministers, not choosing to decide these questions at once, allowed the cargoes of vessels in this situation to be landed and deposited in the public stores, till the will of the Emperor should be ascertained. The cargoes were also allowed to be delivered to the consignees, on their giving bonds to refund the estimated value, in case of a final decree of condemnation. It was not till the fourth of September, 1807, that the most rigorous construction was given to the seventh article of the Berlin decree, by a circular of the Director General of the Customs; and to this construction a retrospective force appears to have been given, over all the vessels and cargoes, which unfortunately had been awaiting a decision.† About the first of November,

officially communicated to Congress from the department of State, February 19, 1807. See *Wait's State Papers*, vol. v. p. 478. For another version, see *The Diplomacy of the United States*, p. 119.

* Mr Gallatin's Letter to the Baron Pasquier, 9th May, 1820.

† Mr Gallatin's Letter of the 10th of January, 1822, to the Viscount Montmorency.

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1807, the Horizon, a vessel owned, we believe, in Boston, was condemned by the Council of Prizes, under the Berlin decree. She had been wrecked on the rocks near Morlaix, in the month of May preceding, and this was the first case of the condemnation of an American vessel under that decree. A spirited remonstrance was made on the occasion by General Armstrong, but without effect.*

On the 11th of November, 1807, and when the effect of the Berlin decree on neutral commerce was ascertained, the first British orders in council were published in alleged retaliation.† As Bonaparte had made the blockade of the French coasts and the revival of the rule of '56 the justification of the Berlin decree, so the orders in council were promptly followed by the Milan decree, bearing date December 11th, 1807. Though somewhat long, we apprehend the reader would wish to have the means of convenient recurrence to it, in this discussion, and we accordingly quote, entire, the official translation of the department of state, omitting, however, the preamble.

'ART. I. Every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship, or to a voyage to England, or shall have paid any tax whatsoever to the English government, is thereby and for that alone declared to be *denationalized*, to have forfeited the protection of its king, and to have become English property.

'ART. II. Whether the ships thus denationalized by the arbitrary measures of the English government enter into our ports, or those of our allies, or whether they fall into the hands of our ships of war, or our privateers, they are declared to be good and lawful prize.

'ART. III. The British islands are declared to be in a state of blockade, both by land and by sea. Every ship, of whatever nation, or whatsoever the nature of its cargo may be, that sails from the ports of England or those of the English colonies, and of the countries occupied by English troops, and every vessel proceeding to England, or to the English colonies, or to countries occupied by English troops is good and lawful prize, as contrary to the present decree, and may be captured by our ships of war or by our privateers, and adjudged to the captors.

'ART. IV. These measures, which are resorted to only in just retaliation of the barbarous system adopted by England, which assimilates its legislation to that of Algiers, shall cease to have

* Wait's State Papers, vi. 463. † Ibid, vi. 62.

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any effect, with respect to all nations, who shall have the firmness to compel the English government to respect their flag. They shall continue to be rigorously in force, as long as that government does not return to the principle of the law of nations, which regulates the relations of civilized states in a state of war. The provisions of the present decree shall be abrogated and null in fact, as soon as the English abide again by the principles of the law of nations, which are also the principles of justice and honor.

'All our ministers are charged with the execution of the present decree, which shall be inserted in the bulletin of the laws.'

Although this decree, like that of Berlin, was nominally applicable to all nations, the chief operation of both was on the United States of America. In consequence of their provisions, an immense quantity of American property was captured and condemned. But these decrees were by no means the limit of the arbitrary and unjust policy pursued by France, toward the United States. There were other acts exclusively directed against our commerce, having the intention, as they had the effect, of sweeping the poor remnant of it from the ocean, exposed, as it was, beneath the frail protection of a pacific neutral, to the tremendous collision of the overgrown powers, that waged the great warfare of the civilized world, and affected to say to us

> 'T is dangerous when the *weaker* nature comes
> Between the pass and fell incensed points
> Of mighty opposites.

To meet the extraordinary state of things, that existed in the world, and to withdraw the American commerce from the grasp of the unprincipled policy of the belligerents, an embargo was laid on all the American ports, by the act of Congress of December, 1807. This measure, designed to be not only one of preservation to our own citizens, but of coercion on the belligerents, was also followed up, by urgent remonstrances, addressed to both of them. They were of course ineffectual and worse than ineffectual, for they seemed to be received with derision. On the 17th of April, 1808, a decree was published at the imperial head quarters of Bayonne, directing the seizure of 'all American vessels, now in the ports of France, or which may come into them hereafter.' The alleged pretence of this decree was, that as, in consequence of the American embargo, no American vessel could be lawfully at sea, there was fair ground

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of presumption that all American vessels navigating abroad, were doing it on British account, or in British connexion. This explanation, as ridiculous as it was inadequate and offensive, was in direct contradiction of the notorious fact, that almost every American vessel, which happened to be at sea, when the embargo was laid, remained abroad by order of the owner,* and also to the fact, that many American vessels had sailed in contravention of the embargo; thereby, as was justly urged, by Mr Madison, in a despatch to General Armstrong, contravening our own laws, and incurring the penalties of those laws, but not denationalizing themselves, nor authorizing a seizure by a foreign power.

So severe was the operation of the embargo, on the commercial and agricultural interests of the United States, and so ineffectual had it proved, as an instrument of coercion toward the belligerents, that, by a law of the 1st of March, 1809, the act laying the embargo was repealed in respect to all countries except England and France. By the same law, usually called the Nonintercourse Law, the vessels and merchandise of both England and France were excluded from the American ports, after the twentieth of the following May. It was, however, provided by the same law, that if either France or Great Britain should so revoke or modify her edicts, that they should cease to violate the neutral commerce of the United States, the commercial intercourse of the United States should be renewed with the nation thus revoking or modifying its decrees. On the 29th of April, 1809, this law was communicated by the American minister to the French government. No indication was given by the French government, that it was regarded as a hostile measure. Towards the end of this year, however, orders were given to seize all American vessels, in the ports of France or of countries occupied by the French armies; and after a great many seizures had been made, in consequence of these orders, principally in the ports of Spain and Holland, an imperial decree was issued, bearing date at Rambouillet on the 23rd of March, 1810, confirming the seizures just mentioned; extending the principle of them to all American vessels, which should have entered France, or the dependent countries since May 20th, 1809, and directing the product of the sales, to be paid into the

* Wait's State Papers, vii. 164. Mr Gallatin's Letter to the Duke of Richelieu, 9th of November, 1816.

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caisse d'amortissement. The pretence of this 'outrageous measure,' as it is justly called by Mr Gallatin,* was the act of Congress of March 1st, 1809, prohibiting the entry of British and French vessels into our ports. The iniquity of the Rambouillet decree was, that while the American law provided for the remission of the forfeiture, in any case, where the parties were ignorant of the law, the French decree was retrospective in its operation, and extended to American vessels, which had sailed a twelvemonth before its promulgation.

Under these four general decrees, namely, of Berlin and Milan, of Bayonne and Rambouillet, and by various special orders, some of which were never formally communicated to our government, a vast quantity of American property was seized. This may be conveniently classed under two heads, presenting cases somewhat different in their aspect, although equally imperative in the claim for indemnity. The first class is that of property, which has never been condemned; the second, that which underwent the formal adjudication of the prize courts, and was confiscated. For the more distinct apprehension of the nature of these claims, it was directed in the resolution of the House of Representatives of the United States, moved by Mr Everett, that in the schedule to be reported by the Secretary of State, a discrimination should be made between the two classes.

The first class of claims, that is, those for property which has never been condemned, embraces the vessels and cargoes burned at sea, and those sequestered in the ports of France and the dependent nations.

We may dismiss the case of the vessels and cargoes burned at sea, with a single observation of Mr Gallatin to the Duke of Richelieu, in his letter to that minister already cited. 'It is not necessary to make any observations on the destruction of vessels at sea, *your Excellency having already intimated, that the government of France was disposed to make restitution for acts of that nature.*'

The vessels and cargoes sequestered and not condemned, consist principally of such as arrived at Antwerp, in the beginning of 1807, to the number of seven, and being permitted to be landed there, were sequestered and finally sold, by virtue of an order of government of May, 1810; of such as were seized at

* The last cited letter to the Duke of Richelieu.

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St Sebastian toward the close of 1809 and in the beginning of 1810, and which were sold in conformity to the Rambouillet decree; and of fourteen vessels, which in the winter of 1809–10, having been driven into Holland, were there seized, and, by virtue of a particular agreement between Holland and France, bearing date March 16th, 1810, put at the disposition of France. In none of these cases was there either trial or condemnation. The vessels and cargoes were simply seized and sold by order of the government, for all whom it might concern, and the proceeds deposited in the public treasury, where in the eye of reason and public law they still remain; and it is left to the government of France, in bestowing on the claimants the poor privilege of a trial, which they have never yet had, to decide whether the seizure was or was not rightful. If it was rightful, the proceeds will of course remain in the French treasury; if not rightful, the French government, having had the use of a part of these funds for about twenty years, will probably think it time to restore them to their lawful owners.

There is one consideration in reference to this sequestered property, which puts the claim to indemnity in a very strong light, and as such is justly stated by the Committee of Foreign Affairs of the House of Representatives, in a Report of May 24th, 1824. It is this; that the property was sequestered, in virtue of an imperial decree, under suspicion of being English property, and to afford an opportunity to ascertain whether it were English property, or *bonâ fide* American property. If the latter (which it is now conceded to have been), it must of course be released. But granting it to be English, it must also be released, or paid for, under the fourth of the additional articles of the treaty of the 30th of May, 1814, between France and Great Britain. By that article, the parties stipulate to release all property put under sequestration, since the year 1792. If therefore the property of our citizens had really been, what it was wrongfully pretended to be, as a ground of seizure at Antwerp, at St Sebastian, and in Holland, it must still have been paid for, by the restored government of France, in virtue of the treaty of 1814. It is well remarked, in reference to this position of the claim, by the Committee of Foreign Affairs, in the the report just alluded to, that 'a singular spectacle will be exhibited, if payment is denied when the motive of the seizure is shown to have been false, or should any doctrine of' the present French government 'place the property of a neutral in a worse

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situation than if it had belonged, as was suspected, to an enemy. Such doctrine cannot be advanced by France, unless she intends to instruct other powers, that, in all future wars, in which she may be engaged with a formidable rival, it will be more prudent to be her enemy than her friend.'

There are one or two circumstances of peculiarity, in reference to the Antwerp sequestrations, which merit the attention of the reader, and have been justly deemed by the claimants and by the American government, to form a case deserving of a separate representation to the French government, which they have, accordingly, more than once received. Among the numerous American vessels, which arrived in French ports in the year 1807, prior to the 4th of September, when, as our readers will bear in mind, a rigorous extension was given to the Berlin decree, a considerable number entered the port of Antwerp, after having been compelled to touch in England. Of these vessels, seven came consigned to two American houses, namely, the Bordeaux packet, Helena, North America, and Diamond to the house of Ridgeway; and the Perseverance, Hiram, and Mary to that of Parish. The consignees declined availing themselves of the option, which was offered by the French authorities, at Antwerp, to receive the cargoes, on entering into bond to abide the final decision of the Emperor. They preferred that the cargoes should remain in the custom house stores, subject to that decision. A severe scrutiny took place of the character of the property, which resulted in the satisfactory proof, that it was *bonâ fide* American. That fact, indeed, does not appear to have been questioned. It was, nevertheless, in virtue of imperial orders of the 29th of May, 1809, and 4th of May, 1810 sold, for the benefit of all concerned, and the proceeds eventually paid into the French treasury, where, never having been accounted for, they still are. Now to show that the proceeds of this property are still rightfully due to the American claimants, we mention the following facts. The European consignees of numerous other American vessels, which arrived at Antwerp in the same season, with the seven mentioned, accepted the offer of the French authorities, entered into bonds, and received and sold the cargoes. In no one case, were these bonds exacted by the imperial government; in no case were steps taken to recover the penalty; and in some cases, quoted by Mr Gallatin, they were formally cancelled, in favor of the consignees. This is an admission, on the part of the imperial government of France, that

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there was no ground for the confiscation under its own decrees. Again, a small portion of the cargo of one of the seven vessels was taken by the consignee, and sold, and a bond given for its estimated value, and bonds were also given for some of the seven vessels themselves, that they might be sent away. *None of these bonds were ever enforced.*

But perhaps a still more important fact is the following, that indemnity has actually been paid, by the *restored* government of France, for a considerable portion of one of these cargoes. A short time after the arrival of the vessels, the house of Mr Parish sold to Messrs Fillietaz and Company, of Antwerp, two hundred and fiftysix bales of cotton, part of the cargo of the ship Hiram. It being then confidently expected, that the merchandise would be delivered to the parties, the sale was absolute, and at the risk of Mr Fillietaz. He paid the purchase money, received a proper bill of sale, and thus became invested with all the rights of the original shipper, but without a guaranty from him or the consignees. The cotton was, however, not delivered to him by the French custom house officers, but was sold at the same time and in the same manner, as the remainder of the cargoes, and for a sum exceeding four hundred thousand francs. The proceeds, undistinguished from those of the other cargoes, were, in the same manner, and under the same order, paid into the treasury of France. Now mark the difference. The American claimants, backed by all the urgency of their government, have for twenty years been soliciting the repayment of the funds in the treasury of France, arising from the sale of their property, but in vain. Mr Fillietaz, on the other hand, as a subject or resident of Belgium, applied for indemnity to the mixed commission, appointed under the treaties and conventions of Paris. His claim was allowed, and placed in the first class of those liquidated, that of *cautionments* and *deposits*, and he has received, in payment, certificates of five per cent. consolidated French stock, amounting in principal to 495,760 francs, bearing interest from the 22nd of March, 1819, together with 10,726 francs in specie for arrears of interest, after deducting the expenses of the commission and other charges.* So much better are the rights of a Belgian subject, than those of an American citizen!

Passing over many other reflections, on the subject of the

* Mr Gallatin's letter to the Viscount Montmorency, 10th of January, 1822.

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sequestered property, and of the vessels and cargoes burned at sea, we proceed to a few remarks on the cases of property condemned, in which we shall do little more, as we could not possibly do better, than follow the outline in Mr Gallatin's excellent letter to the Duke of Richelieu of the 9th of November, 1816.

It is, in the first place, to be observed, that every condemnation under the Berlin and Milan decrees, however regular in its forms, was an infraction of the convention of the 30th of September, 1800, negotiated in the consulship of Napoleon, till the 31st of July, 1809, when that convention expired by its own limitation. It was expressly stipulated in the twelfth, thirteenth, and fourteenth articles of that convention, that the citizens of either country might sail, with their ships and merchandise (contraband goods excepted), from any port whatever to any port of the enemy of the other, and from a port of such enemy either to a neutral port or to another port of the enemy, unless such port should be *actually* blockaded; that a vessel sailing for an enemy's port, without knowing that the same was blockaded, should be turned away, and should not be detained, nor her cargo confiscated; that implements and munitions of war should alone be considered contraband of war; and that free ships should make free goods, in case of an enemy's property on board the ships belonging to the citizens of either country. In violation of all these stipulated rights and principles, the French decrees not only declared the British islands in a state of blockade, although it was not pretended that they were actually blockaded, but they made liable to capture and condemnation all American (as well as all other neutral) vessels, sailing on the high seas, from or to an English port, or even, which might have been visited by an English vessel, as well as every species of merchandise belonging to an English subject or of English origin. The plea of retaliation, which was not wholly unfounded in point of fact, could of course furnish France with no justification for violating the faith of treaties. The plea, that the encroachments of England on our neutral rights were not resisted, but were acquiesced in by the United States, was as offensive in spirit as it was false in fact. Nothing but the contemporaneous injuries, which we received from the French government, prevented a declaration of war against England, at least three years before it took place.

In the next place, the vessels of the United States, which were condemned, under the Berlin and Milan decrees, were often condemned, by what were called 'imperial decisions,' and

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not by the acts of prize courts. This circumstance, in substance, places these cases on a level with those not condemned at all. The law of nations guaranties a fair trial to the neutral, who is so unfortunate as to fall into the hands of a belligerent, under the pretence of violating the laws of war. Not only is this the right of the neutral by the law of nations, but it was expressly stipulated by the twentysecond article of the convention of 1800. This convention remained in force till the end of July, 1809. It was even a right under the imperial decrees themselves. But of twentyseven vessels condemned by 'imperial decisions' of the kind alluded to, which had been reported to Mr Gallatin, eighteen had been seized or captured before the expiration of the convention. Their condemnation by 'imperial decisions,' was therefore a violation, not only of the law of nations, but of the provisions of the convention of 1800, and of the Berlin and Milan decrees themselves. Further, in cases where a trial was nominally had, there were several, in which the decisions of the council of prizes took place, without the observance of those forms, intended to protect the interest of the neutral; without giving the parties time to produce their evidence; without an examination of the ship's papers. By one decision of the Council of Prizes, dated the 10th of September, 1811, six vessels are thus summarily condemned at once.

Another iniquitous operation of the decrees and orders, above enumerated, was their retrospective force. This was *expressly* given to some of them, as for instance the Rambouillet decree; and that of Milan was also often made to act retrospectively. Vessels were condemned, not only which had sailed from America, before tidings of the decrees had arrived, but often, before they had been proclaimed. Such was the case of the Fame, belonging to a citizen of Boston, and made the subject of a memorial to the House of Representatives the last winter; which sailed from Boston a few days only after the date of the Milan decree, bound to Marseilles, was spoken a few leagues off that place, by an English frigate, was presently brought to by a French armed ship, and for having been thus spoken, was condemned.

With reference to the memorable juggle of the repeal of the Berlin and Milan decrees, great injustice was done to our citizens. It was announced by the French government to Mr Armstrong, and afterwards provided in a decree bearing date 28th of April, 1811, that the Berlin and Milan decrees should be without operation, as respects American vessels, from the

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first of November, 1810. Nevertheless, of vessels seized or captured before that day, but not decided upon, fortyeight were subsequently condemned by the Council of Prizes, and by imperial decisions; twentynine before the twentyeighth of April, and nineteen after.

In addition to all these circumstances, several condemnations took place under frivolous pretexts, either after November 1st, 1810; or in cases not embraced in the general decrees; on the ground of alleged irregularity in the certificates of origin, or other ship's papers; suspected convoy by a British force; mutiny; or intention to remit the proceeds of sales through England.*

Such, in brief, is the nature of the acts, under which the claims of American citizens against the French government have their origin. We now proceed to relate (and we must do it most briefly) the history of the negotiations for indemnity, in which the government has been engaged, under all its administrations, since the time that the injuries were committed.

In the general instructions given to Mr Barlow, on the twentysixth of July, 1811, by Mr Monroe, then Secretary of State, the first subject to which the attention of Mr Barlow is called, is the 'claims on France, which it is expected that her government will satisfy to their full extent, without delay.' † In a letter of Mr Barlow to the duke of Bassano, of the tenth of November, 1811, the restitution of the American property remaining in sequestration, and indemnity for that confiscated and consumed, were demanded by the American minister. An answer was returned to this letter, by the duke of Bassano, in a note dated December 27th, 1811, in which no notice is taken of the subject of indemnities. Mr Barlow, immediately on the commencement of his negotiations, endeavored to bring the French government to the conclusion of a commercial treaty. In his *projet* of the treaty, no provision was made for indemnity, and on this subject he thus expresses himself, in a letter to the Secretary of State, dated April 22d, 1812.

'It really appeared to me, that the advantages of such a treaty as I have sketched, would be very great, and especially if it could be concluded soon. It is true, that our claims of indemnity for past spoliations should be heard, examined, and satisfied, which

* Mr Gallatin's Letter to the Duke of Richelieu, of the ninth of November, 1816.

† Wait's State Papers, viii, 324.

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operation should precede the new treaty, or go hand in hand with it. This is a dull work, hard to begin, and difficult to pursue. I urged it a long time, without the effect even of an oral answer. But lately they have consented to give it a discussion, and the minister assures me that something shall be done, to silence the complaints, on principles that ought to be satisfactory.' *

In his Message to Congress, in its extraordinary session of June, 1812, and on the first day of that month, Mr Madison, after recapitulating the causes of complaint against Great Britain, expresses himself in the following terms, on the subject of the causes of complaint against the other great power.

'I proceed to remark, that the communications last made to Congress, on the subject of our relations with France, will have shown, that, since the revocation of her decrees as they violated the neutral rights of the United States, her government has authorized illegal captures by its privateers and public ships; and that other outrages have been practised on our vessels and our citizens. It will have been seen also, that no indemnity had been provided, nor satisfactorily pledged, for the extensive spoliations committed under the violent and retrospective orders of the French government, against the property of our citizens, seized within the jurisdiction of France. I abstain, at this time, from recommending to the consideration of Congress definitive measures with respect to that nation, in the expectation that the result of unclosed discussions, between our minister plenipotentiary at Paris, and the French government, will speedily enable Congress to decide, with greater advantage, on the course due to the rights, the interests, and the honor of our country.'

On the eleventh of October, 1812, the duke of Bassano invited Mr Barlow to Wilna, to prosecute, at that place, the negotiations begun at Paris; but the death of the American minister, on his journey through Poland, defeated the object of the invitation. On the twentyseventh of July, Mr Crawford informed the duke of Bassano, then at Dresden, of his arrival in Paris as the successor of Mr Barlow; but the absence of Napoleon, and the disastrous events of the war, prevented the prosecution of his mission. An ineffectual attempt was made by Mr Crawford to engage the French government in negotiation, in the month of December, 1813; and after this period the distracted state of affairs occasioned an entire cessation of all attempts to settle or even discuss our relations with France.

* Wait's State Papers, viii. 361.

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Peace was at length restored, and with it the edifying spectacle was exhibited to the world, of a desire, on the part of France, to discharge her vast arrears to the other nations of the earth. The United States maintained a modest and considerate distance, and kept aloof during the first rush for indemnification. Our government was well apprized of the vast resources of France; it knew that a few years would put her in a condition to satisfy all the just demands on her treasury, and it took pleasure in giving a proof of patience in seeking redress, as it had given one of forbearance in enduring injuries.

At length on the fifteenth of April, 1816, Mr Gallatin was furnished with his general instructions as minister to France. In these instructions, Mr Monroe, then Secretary of State, thus expresses himself on the subject in hand.

'Cherishing these sentiments toward the French nation, under all the governments that have existed there, it has not been less a cause of surprise than of regret, that a corresponding disposition has not at all times been entertained by the French government towards the United States. The history of the last ten years is replete with wrongs received from that government, for which no justifiable pretext can be assigned. The property wrested, in that space of time, from our citizens, is of great value, for which reparation has not been obtained. These injuries were received under the administration of the late Emperor of France, on whom the demand of indemnity was incessantly made, while he was in power. Under the sensibility thereby excited and the failure to obtain justice, the relations of the two countries were much affected. The disorder, which has of late existed in France, has prevented a repetition of the demand; but now that the government appears to be settled, it is due to our citizens, who were so unjustly plundered, to present their claim anew to the French government.

'A gross sum will be received, in satisfaction of the whole claim, if the liquidation and payment of every claim founded on just principles, to be established, cannot be obtained.'

Mr Gallatin was commissioned to negotiate a separate convention on the subject, in case the king of France should prefer that mode of adjusting it.

The investigations and researches necessary to present this important matter to the French government, in an imposing light, were necessarily a work of considerable time. On the ninth of November, 1816, Mr Gallatin addressed a letter to

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the Duke of Richelieu, in which the entire subject is spread out in a very masterly manner. To this letter we have already more than once referred. After briefly enumerating the decrees, under which the commerce of all neutral nations had suffered, and refuting the arguments, by which the French minister had sought, in previous conversations, to evade the necessity of indemnifying the citizens of the United States, (arguments of too slight a texture to need our notice here,) and after specifying those decrees exclusively confined to the United States, such as that of Bayonne, and that of Rambouillet, Mr Gallatin considers the claims under the twofold distinction of those for property not condemned, and those for property condemned. We have already stated, principally from his satisfactory sketch, the considerations applying respectively to each. In conclusion, Mr Gallatin recommends to the French minister, the establishment of a joint commission, or commissions, to examine and liquidate the just claims of various kinds, of the citizens of the United States, for indemnity.

Having on the twentysixth of December received no answer to this note, Mr Gallatin requested an interview with the Duke of Richelieu, with a view to a personal explanation on the subject. After an interval of three weeks, the Duke of Richelieu appointed the twentieth of January for this purpose. The interview accordingly took place. In the despatches of Mr Gallatin the following brief account of it is given.

'I requested that he [the Duke] would proceed to state, what he had concluded to offer, in answer to the basis proposed in my note of the ninth of November. He said that his offer would fall very far short of our demands; that he would not go beyond an indemnity for vessels burnt at sea, and for those the proceeds of which had been only sequestered and deposited in the *caisse d'amortissement*. He added that he would make his proposal in writing, and that this would not be attended with much delay.'

To this suggestion, Mr Gallatin replied, that if the United States should think it proper (which he could not promise) to accept an indemnity for certain classes only of the claims, it was not to be construed into an abandonment of the other just demands of their citizens.

This promise of the Duke of Richelieu to make a written proposal to Mr Gallatin was not kept. On the contrary, after a delay of about three months, Mr Gallatin was informed by the Duke that he had determined not to make him a written proposal;

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and gave as the only reason for declining to enter upon the subject, that the claims of the European powers on France were of so 'frightful an amount,' that the king's ministers could not dare propose any augmentation of them, in the way of an indemnity to the American claimants. Thus ended the first effort to obtain justice. It may be added, that in the month of July, 1817, the Duke of Richelieu stated to Mr Gallatin,

'That he wished it to be clearly understood, that the postponement of our claims for spoliations was not a rejection; that a portion of them was considered as founded in justice; that he was not authorized to commit his Majesty's government, by any positive promise; but that it was their intention to make an arrangement, for the discharge of our just demands, as soon as they were extricated from their present embarrassments. He still persisted, however, in his former ground, that they could not at present recognise the debt, nor adjust its amount.'

In announcing, in the month of April, 1818, to the Chamber of Deputies, the conclusion of a convention of liquidation with foreign states, the Duke of Richelieu apprized the Chamber that, by this arrangement, France was liberated from all her obligations toward *European* powers. The adoption of this phraseology confirmed the hope that the claims of America were not intended to be shut out from eventual allowance. It was adopted in pursuance of a demand of Mr Gallatin to that effect.

On the eleventh of February, 1819, the negotiation was renewed by Mr Gallatin, in compliance with instructions from the government of the United States, and in reference specifically to the Antwerp cases, which we have already described, and to which Mr Gallatin was directed particularly to call the attention of the French government. This he did, by transmitting to the Marquis Dessolle, then minister of foreign affairs, a memorial of Mr David Parish, the consignee of three of the vessels in question, backed by a brief but satisfactory statement from Mr Gallatin himself. No answer to the letter of Mr Gallatin appears among the documents, in the correspondence communicated to Congress in February, 1824, but a letter was addressed to Mr Parish, by the Baron Louis, minister of finance, to whose department the memorial had been referred. This letter unfortunately furnishes proof, that the French minister, its author, had informed himself neither as to the provisions nor penalty of the Berlin decree, nor as to the mode, in which

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the proceeds of the cargoes sequestered were disposed of. The fallacies in Baron Louis's statement are indicated by Mr Gallatin, in a letter to his own government of the third of July, 1819; but it does not appear that the correspondence was farther pursued with the government of France at this juncture, and thus ended the second movement in this negotiation.

In the summer of 1820, a third vigorous effort was made by Mr Gallatin to bring the French government to a disposition to terminate this vexatious controversy, by an amicable arrangement. On the ninth of June, 1818, he had addressed to the Duke of Richelieu a short note, inviting his attention to the cases of the *Dolly* and the *Telegraph*, two vessels which were burned at sea, in November and December, 1811, by the French frigates, La Méduse and La Nymphe, for alleged contravention of the Berlin and Milan decrees. The parties injured by these acts of violence appealed to the proper French tribunal; their remonstrance was seconded by Mr Barlow, and the suit was continued, in the regular order of procedure, till, in the commencement of the year 1820, it was decided by the council of state against the claimants.

The ground of this decision is such as would strike the American people with equal astonishment and indignation, could it be presented alone, in its naked deformity, to their notice. This ground is, that the cammanders of the French frigates could not know in November, 1811, that the Berlin and Milan decrees were repealed, because this repeal took place by virtue of a decree bearing date indeed in March, 1811, but first made public in May, 1812. We pass over the effrontery, for we know not by what milder name to call it, of making the repeal of the Berlin and Milan decrees to date from May, 1812, when, notwithstanding the caprice and irregularity which marked the proceedings of the government of Napoleon on this subject, the whole tenure of the negotiations with France, at that period, shows that they were not merely in name but in fact revoked, as far as concerns American vessels, from November 1810. We pass over this, because every thing else sinks into insignificance, compared with the fact, that the French Council of State, in 1820, sanctions the burning of American vessels under the Berlin and Milan decrees. It is proper that the American people should definitively understand, that, beneath all the evasions and polite excuses, by which the French government, since the restoration, has parried the payment of our claims, lies hid a determination

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to enforce the validity and legality of the Berlin and Milan decrees. As is justly observed by Mr Gallatin, however, the right of the owners of the Dolly and Telegraph to indemnification does not rest on their establishing these decrees to be an infraction of the law of nations, or of treaty stipulations with the United States, but on the far simpler fact, that, at the time of the destruction of the vessels, these decrees had, as respects America, been revoked. This question is argued with great ability, in a letter of Mr Gallatin to the Baron Pasquier, minister of foreign affairs, dated the fifteenth of March, 1820. This remonstrance the Baron took the very unusual course of referring to the minister of justice, instead of considering it, in his own capacity, as the organ of the political relations of the country. After this reference, we hear no more of it.

In the summer of 1820, another attempt was also made by Mr Gallatin, on the subject of the Antwerp cases. In a letter to the Baron Pasquier, of the ninth of May, 1820, which has been already cited, in the course of this article, a brief history of those cases is given. No reply appears to this letter among the documents communicated to Congress in 1824, and none, we presume, was ever made. On the thirtyfirst of October, 1821, Mr Gallatin addressed the Baron Pasquier, on behalf of Mr Richard Faxon, a citizen of Boston, whose property was seized by the French at Santander, in 1812, and whose appeal to the Board of Finances had lately been dismissed. No reply of the French government appears to this remonstrance.

Meantime another change had taken place in the French ministry, and the Viscount Montmorency, who now held the port folio of foreign affairs, being supposed more favorably inclined to our citizens, on the question of indemnity, Mr Gallatin addressed him on the tenth of January, 1822, on the subject of the Antwerp cases. In this letter, from which we have derived the brief outline of these cases, given in the former part of these remarks, the American minister pursues the discussion with a detail of facts, and an array of argument, truly imposing. He concludes this masterly statement with the following dignified appeal.

'I beg leave to apply not only for that payment, but also for a speedy decision. The United States had, from the most friendly motives, yielded to the reluctance to take up the subject of American claims, which was evinced [by France] in 1817. The objection arising from the state of the finances and from the enor-

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mous amount of the demands pressing, at that time, on the resources of France, has now happily ceased to exist. Time amply sufficient has meanwhile been taken for every possible investigation of this claim. The parties have already experienced most grievous losses, from the long detention of so large an amount of property. They should not be tortured by further vexatious delays. Justice when too tardy often fails of its object. When it is known, as in this case, that such is the nature of the claim, that it will be ultimately paid, intriguing speculators are never wanting, who will try to take advantage of the distance and of the necessities of the claimants, to purchase their rights at a depreciated rate. Such attempts, which even when not actually tainted, can never avoid a suspicion of corruption, it has been my duty to repel, and heretofore with success. I have told the parties to listen to no proposals, to reject all indirect interference; that their claim was indisputable and must necessarily be allowed. We employ to attain that object no other but direct means, no weapons but those of argument. I trust that they will not have been used in vain, when the appeal is made to your known loyalty, to his Majesty's high sense of justice, to those principles of good faith in discharging the obligations of the state, which in every instance, but that of the American claims, have uniformly distinguished his government.'

The manly and powerful argument, of which we have here presented the closing sentences, seems to have had an effect on the mind of the Viscount Montmorency. In a conference between that minister and Mr Gallatin, about a fortnight after the sending of this letter, the Viscount stated frankly, that, though he could not answer for his colleagues, he was himself struck with the justice of the claims, in the Antwerp cases, and regretted they had not been paid in 1819. In this conference, Mr Gallatin mentioned what he calls 'an aggravating and most extravagant circumstance,' and what we take the liberty to pronounce an unparalleled and most outrageous one, that notwithstanding his repeated applications to the government, during a period of six years, he had not been able to obtain redress in one single instance, and that with respect to the applications, relative to injuries sustained under Bonaparte's government, he had not only failed of obtaining redress, *but he had not even been honored with an answer!*

It is in the report of this interview, that we find the first mention, in the papers communicated to Congress in 1824, of the commercial difficulties, existing between France and America,

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as an obstacle to the settlement of the claims for indemnity. A controversy, as our readers all doubtless remember, sprang up in 1817, between the two governments, in consequence of a heavy tonnage duty imposed by the French government on foreign vessels entering the ports of France, and the retaliatory duty laid on French vessels, in the ports of the United States. The perplexed negotiation, growing out of this policy, was, at the instance of the French ministry, transferred from Paris to Washington, and there carried on between M. Hyde de Neuville and Mr Adams. This negotiation resulted in the convention of 1822; but shortly before that convention was concluded, it seems suddenly to have occurred to the French ministry, all other pretexts for delay in the liquidation of the claims being exhausted, that a new one could be drawn from this commercial controversy.

Accordingly in the conference between Mr Gallatin and the Viscount Montmorency just referred to, an intimation appears to have been given by the French minister, that the commercial dispute between the countries was a subject of more pressing importance, and ought to be first adjusted. Mr Gallatin very justly met this suggestion, by the remark, that the commercial arrangements of the two countries were a matter of convenience and policy, in which the parties were severally free to take what course their interest dictated; while the indemnity was a matter of right, long prior in time, and totally distinct in character; and that the claim of our citizens to justice ought not to be made contingent on any thing else.

Finding in the course of several conversations with the Viscount Montmorency, that, although that minister was apparently well disposed to the claim, objections appeared to exist in the department of finance, Mr Gallatin asked the permission of the Viscount, to confer with M. de Villèle, the minister of finance, on the subject. He accordingly had an interview with M. de Villèle on the twentysecond of April, 1822. He found that the minister of finance had but a general knowledge of the facts of the case, and that he had not read Mr Gallatin's elaborate exposition of the tenth of January, 1822. But after stating the difficulties of a liquidation and payment of the claims, arising from the exhaustion of the country, he added, 'that the only way to render the payment palatable was, that it should be accompanied by the grateful information that our commercial difficulties were arranged in a satisfactory manner.'

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On the third of May, 1822, Mr Gallatin again addressed a short letter to the Viscount Montmorency. We quote the first sentences of it.

'I had the honor on the tenth of January last, to address to your Excellency a note relative to the American cargoes sequestered at Antwerp. But although the conversations I have since had the honor to have with your Excellency on that subject, had led me to hope that there was a disposition to render a tardy justice to the claimants, *the note still remains unanswered.*

'It is my duty also to remind your Excellency, that *all the former notes*, which I have had the honor to address to his Majesty's ministers, either with respect to that reclamation or, generally, on the subject of the American claims, and particularly the note of the ninth of November, 1816, *have shared the same fate.* That on a subject so important, no official answer should, for such a length of time, have been given to the earnest and repeated applications of a friendly power; that where favors are not asked, but justice is demanded, there should have been such a tacit perseverance, in avoiding even to discuss the question, must be allowed to be a most uncommon proceeding in the intercourse between independent nations.'

On the eighteenth of the month, Mr Gallatin had an interview with the Viscount Montmorency, in which the latter dwelt principally on the subject of the mode, in which payment should be made for the claims, thereby seeming to admit, that they ought and should be paid. He added, however, that his colleagues in the council of ministers were unwilling to proceed, till they should hear from Washington, that the commercial difficulties were arranged. The same suggestions in substance formed the subject of an official note of some fifteen or twenty lines, dated on the first of June, 1822, which was literally extorted from the Viscount Montmorency, by the importunity of Mr Gallatin. To this note of the Viscount, Mr Gallatin replied in a cogent letter, setting forth the incongruity of the two subjects thus forced into connexion by the French government. The tenor of the letter may be inferred from the following pithy observation, at its commencement.

'It is satisfactory to find that the unfavorable suggestions heretofore made on that subject [the American claims] are no longer alluded to, and that the *only* reason assigned for its postponement *is foreign to the merits of the claim.* I had expected no less from the justice of his Majesty's government. But this new delay is as

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vexatious, as unexpected; and the grounds on which it is placed appear to be altogether untenable.'

At length, in the summer of 1822, the convention was concluded at Washington. On the seventeenth of August, Mr Gallatin reminded the Viscount Montmorency of this fact, and on the thirty-first following, made the same intimation to M. de Villèle. Now then, no doubt, the long deferred hope is to be fulfilled; now the property of the American citizen, which has lain for sixteen years in the treasury of France, will be paid back to its languishing owners; now, at least, the French government will condescend to engage in the discussion of the subject. Let us hear M. de Villèle on the subject, then filling provisionally the ministry of foreign affairs.

'I had yesterday,' says Mr Gallatin, in a letter to the Secretary of State of the twenty-fourth of September, 1822, 'a conference with M. de Villèle, on the subject of our claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion, between the two countries. He stated those to be, the reclamations of the United States for spoliations on their trade; those of France, on account of Beaumarchais' claim; and of the vessels captured on the coast of Africa; and *the question arising under the Louisiana treaty;* and asked whether I was prepared to negotiate upon all these points?

'I answered that I was ready to discuss them all, but that I must object to uniting the Louisiana question to that of claims for indemnity, as they were essentially distinct; and as I thought, after all that had passed, we had a right to expect that no further obstacle should be thrown in the way of the discussion of our claims, by connecting it with subjects foreign to them.'

On the sixth of November, M. de Villèle addressed a letter to Mr Gallatin, formally proposing to open a negotiation on all the points in controversy between the two countries, 'especially in what concerns the duties received in Louisiana on the French commerce, contrary to the tenor of the eighth article of the treaty of cession.'

To this proposal Mr Gallatin replied in a few days, in a vigorous remonstrance, setting forth the injustice of delaying still longer the settlement of private claims, acknowledged to be just, and so long and injuriously postponed, by connecting the question of their liquidation, with this newly started political controversy. To this remonstrance, M. de Villèle returned a peremp-

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tory answer, insisting on a joint negotiation, on all the subjects in controversy. Mr Gallatin, in making known this fact to the Secretary of State, remarks; 'The object is too obvious, to require any comments, on my part, and this final decision leaves me no other course, than to refer the whole to my Government.'

And here, as a new, serious, and unexpected obstacle was thrown in the way of the claimants, it may be proper to state distinctly, but briefly, the nature of the pretension on the part of the French government, from which this obstacle arises.

By the eighth article of the convention ceding Louisiana to the United States, it was stipulated that the ships of France should for ever be treated upon the footing of the most favored nation, in the ports of Louisiana.

In consequence of the liberal proffer, made by the United States, to all governments, that may choose to accept it, the vessels of certain foreign nations, particularly Great Britain, are now treated in the ports of the United States, including those of Louisiana among the rest, on the same footing as American vessels, *in consideration*, that American vessels are treated in the ports of those nations, respectively, on the same footing as their own vessels. Although France is *not* one of the nations, that chooses to reciprocate this policy, she nevertheless requires that French vessels should, by virtue of the eighth article of the Louisiana convention, be treated in the ports of Louisiana on the same footing with the vessels of those nations, without allowing, on her part, the consideration or reciprocal condition, on which those vessels are thus treated. This is the French claim.

The justice of this claim of course depends on the understanding of what is implied in 'the most favored nation.' The United States contend, that the right to be treated on the footing of 'the most favored nation,' when not otherwise defined, and when expressed only in those words, is the right of being entitled to that treatment, gratuitously, if such nation enjoys it gratuitously, and on paying the same equivalent, if it has been granted in consideration of an equivalent. The article can have no other meaning, for this single and satisfactory reason, that, if French vessels were allowed to receive gratuitously the same treatment, which those of certain other nations purchase by an equivalent, the French would be treated not *as* the most favored nation, but *more favorably* than any other. In fact, it is incorrect, in the use of language, to speak of that treatment, under the name of a favor, which is mere matter of reciprocity, for

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which an equivalent has been paid, which is no more a matter of favor than any other bargain.

Such is the substance of the controversy relative to the interpretation of the eighth article of the Louisiana cession, and with which the French ministry deem it consistent with honor and good faith to clog the liquidation of private claims, which are allowed to be founded in justice. The French ministry, having at the close of 1822, again undergone a change, Mr Gallatin, on the twentyseventh of February, 1823, addressed a letter to the Viscount de Chateaubriand, now the minister for foreign affairs, in which the unreasonableness of this new ground of delay is ably stated; and this letter closes the correspondence on this subject, communicated to Congress in 1824, and is the last that proceeded from the pen of Mr Gallatin in the negotiation. It may not be improper to observe, that the records of our diplomacy do not contain a series of letters more honorable to the ability of their author, than those of Mr Gallatin.

The negotiation was taken up by Mr Sheldon, the American Chargé d'Affaires, after the departure of Mr Gallatin, and by Mr Brown, our present minister to Paris, at the point where it was dropped by Mr Gallatin. Their correspondence with the French ministry was communicated to the House of Representatives in December, 1824. Our limits do not permit us to give an analysis of it. In a collection of documents transmitted to Congress in February, 1825, containing the correspondence of Mr Adams with M. Hyde de Neuville, on the subject of this eighth article, is a letter of Mr Brown to the Secretary of State, containing an account of a conference with the new minister for foreign affairs, the Baron Damas. The Baron gives the usual reason for not then entering on the subject, that he had been so short a time in office, that he did not know its merits. We rejoice that a plea, so little creditable to the executive functionaries of any government, no where appears on the part of the officers of our own. The subsequent efforts of Mr Brown have been attended with no happier effects than those made by Mr. Gallatin, in the conduct of the negotiation.

To enter at large into the discussion of the eighth article of the Louisiana treaty would carry us beyond our limits. We will therefore close this article, with a few general reflections.

The claims on France are highly important, in reference to the amount of property involved in them. This amount has no doubt been much exaggerated; our own opinion of it has fluc-

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tuated, as various data for forming an estimate, have, at different times, suggested themselves to us. We have seen it carried as high as fifty millions, and brought as low as eight. A part of this diversity no doubt arises from different principles of making the appraisal. By one, the value of a vessel and cargo is estimated at what would have been their worth at a good market, and interest is computed on this amount. By another, the loss is stated at what was actually destroyed, without interest. Under the Florida treaty, losses, we believe, to the amount of about forty millions were stated to the commissioners, and a little over five millions were allowed by them. While the amount fairly due to our citizens from France is unquestionably very great, it is their interest not unduly to swell it.

Secondly, we observe that the payment of these claims is due to the national honor. Those acts, which form the groundwork of the claims, were also gross invasions of national right and high handed outrages upon us, as an independent people. Had not the other belligerent, by the same outrages, connected with injuries more keenly irritating, led the government to select her first, the treatment we had experienced from France would unquestionably have resulted in a war. There were many of those most decided in the policy of war with England, who would have been equally willing to declare war against France; and it was perhaps the unanimous sense of the nation, that there was cause of war against both countries. War was declared against England; and by that extreme remedy, our accounts against that country were wiped out. The injuries done us by France, injuries not merely involving the loss of a vast amount of property, but touching the national honor so nearly and deeply, as to be acknowledged on all sides to be a just cause of war, are as yet unatoned for. It is true, the government of France has changed hands; and this circumstance produces a very different state of feeling on the subject, and somewhat modifies the question as to remedy. But if the restored government refuses to make reparation for the injuries of its predecessor, if it excepts us, as it has hitherto done, from the compensation it has made to all other states, in the like circumstances; if it even refuses to allow to our merchants, citizens of a state always friendly, those claims for sequestered property, which had it been that of the enemy would have been restored or paid for; if, finally, her tribunals still proceed to condemn property under the oppressive decrees, in cases not till now adjudicated, then

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we say, the present government of France sanctions and adopts the policy of Napoleon, and the question of redress remains what it would have been, had he continued to reign.

The payment by France of the claims of our merchants would be no unexampled stretch of liberality, but an act of justice, such as was promptly rendered by England in 1796, and extorted from Spain, by the late Florida treaty. That entire province, territorially of immense value to the United States, was ceded to us, principally as an indemnity for our merchants. Under the commission in England for liquidating the claims of our merchants, subsequent to the conclusion of Jay's treaty, twelve hundred thousand pounds sterling, or nearly five millions and a half of dollars, were allowed and paid. These precedents would take away all appearance of submission from the act of the French government, in satisfying the claims of American citizens; and we really see no reason why a less rigorous measure of justice should be expected from her, than from Spain and England.

Finally, we apprehend a mistaken impression prevails, in this country, as to the plea, on which France evades this act of justice. We believe it to be the common opinion, that the present government of France claims not to be bound to make reparation for the acts of the late government. Though it is true that loose suggestions to this effect, were at first dropped by the French ministers, going rather to the hardness of the case than the want of obligation, yet we cannot find that this plea was ever seriously and formally insisted upon. On the contrary, different parts of the claim have been allowed to be just, by successive French ministers; and no part distinctly maintained not to be so. The Duke of Richelieu was willing to make compensation for vessels destroyed at sea, and the Viscount Montmorency thought the Antwerp claimants entitled to indemnification. There is some appearance of an attempt to maintain the validity of the Berlin and Milan decrees, which, however, would undoubtedly be dissipated, on a very short illustration of their inconsistency with the provisions of the convention of 1800, and with the principles of the law of nations. And even should their validity be maintained by France (admitted by the United States it never will be), the number of cases fairly and regularly condemned under them, is the smallest part of those, for which compensation is asked. The greatest havoc took place, under their retrospective interpretation, under the decrees of Bayonne and

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Rambouillet, and by means of extrajudicial acts of the government.

But any general pretension, that the present government of France is not bound by the acts of the former government is effectually abandoned, in setting up the very cause of delay which now impedes the liquidation of the claims. Advantages claimed by France, and refused by the United States, under the Louisiana treaty, are made the pretence of withholding indemnification from our citizens. Now the acquisition of Louisiana from Spain, and its cession to the United States, were the acts of Napoleon. This province formed no part of France, when the Bourbons were forced to leave the throne. Its acquisition and its transfer were solely the work of Napoleon. How then could the government of France insist pertinaciously on the enjoyment of privileges alleged to be secured to it by one of his acts; and pretend to hold itself not responsible for others. No such pretension is, in fact, set up; and in the words of the President of the United States, at the opening of the last session of Congress, 'the justice of these claims has not been, as it cannot be, denied.' The first plea of the French government was for time. France was stated to be overwhelmed, by the pressure of the late enemies of Napoleon. The United States generously forbore to press their demands, till the European powers had asked all they wished, and obtained all they asked. We then modestly put in our pretensions, and were told there was a tonnage question, which must first be settled. The convention of commerce is negotiated. We again mentioned the claims, and were required first to adjust the eighth article of the Louisiana convention. And in this posture the matter now stands.

We undertake not to foresee with what success negotiation can be any further pursued on this subject. Our own opinion has long been that Congress alone can negotiate upon it, and that in a more operative way than the exchange of diplomatic notes. We rely, however, on the prudence and spirit of the Executive, and doubt not the honor of the country, and the rights of our fellow citizens, will be duly and effectually asserted. Meantime it would appear, that a serious consideration of the subject is contemplated by Congress. The resolution, adopted by the House of Representatives towards the close of the last session, invites the citizens of the United States to report a statement of their claims on all foreign governments to the depart-

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ment of State, and requires that department to submit to the House at its next session, a schedule of all the cases, which shall have been thus reported. With such a statement before Congress and the people, we apprehend it will not be easy to refrain from some energetic steps for procuring redress.

ART. X.—1. *Remarks, critical and historical, on an Article in the Fortyseventh Number of the North American Review, relating to Count Pulaski; addressed to the Readers of the North American Review.* By the AUTHOR of the 'Sketches of the Life of Greene.' Charleston, S. C. 8vo. pp. 37.

2. *A Reply to Judge Johnson's Remarks on an Article in the North American Review, relating to Count Pulaski.* By PAUL BENTALOU; Author of 'Pulaski Vindicated.' Baltimore. 8vo. pp. 41.

WE know of few authors more unfortunate than Judge Johnson, or whose case more sincerely deserves the commiseration of the friends of letters, and the patrons of literary enterprise. It is now about four years since he published his great work, entitled 'Sketches of the Life of General Greene,' in two quarto volumes, and in a style of typography much above the common standard of American printing. For such an effort as this, at once to illustrate a most important portion of American history, and encourage the arts, the author very naturally flattered himself, that he should meet with the applause of his countrymen. But from his own account, in his later writings, it would seem, that no man's expectations were ever more sadly disappointed. His hopes, so fresh and strong at first, have been withered in the bud, and have shrunk away from the chilling breath of public disfavor. The gantlet of authorship was never before run with so much peril, nor terminated with such disastrous consequences. D'Israeli himself would be puzzled to find matter for a more copious chapter of miseries.

The author complains of being attacked from all quarters; newspapers, pamphlets, periodical journals, and formidable volumes, have teemed with censures upon his work, and this not

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in one part of the country only, but in every part. His facts have been questioned, his style criticised, many of his statements denied, his way of writing history condemned, and his talents for such an undertaking more than doubted. One would think, that, amidst such universal testimonies of disapprobation, these spontaneous strictures from all points of the compass, concurring to the same end, would raise at least a slight shadow of suspicion in the mind of an author, that they might not be wholly without foundation. But not so with Judge Johnson. The possibility of an error on his part seems never to have entered his thoughts. He imagines the whole world to be his enemies, who have seized upon this opportunity, in violation of truth, honesty, and justice, to pour out upon him the vials of their critical indignation. In opinions, which differ from his own, he 'discovers plainly the hand of personal enmity;' whoever dares to express such opinions, manifests a 'sheer ignorance of revolutionary history;' he is charged with 'credulity, ignorance, or deliberate imposition;' he is guilty of putting forth 'paltry pretexts,' and of saying things 'not worthy of the most common understanding;' he lends himself to 'an attempt to falsify history, and to extenuate or excuse crime;' he maintains positions, which none 'but an idiot could be found to contend about,' and which 'carry with them the most insulting imputations, both on the researches and the intellects of his readers;' he is 'a gasconader,' utters 'calumnies,' makes 'vain boasts and bold attempts at imposition,' aims 'most insidious blows,' and, in short, tells tales 'in which there cannot be one word of truth.' But we forbear. Such are some of the choice expressions which the biographer of Greene finds it in his heart to apply to what he calls that 'vainest of the mortal race,' the critics and reviewers, and to those officious sticklers for veracity in history, and meaning in language, who have taken the trouble to read his work, and to remark upon its character. These are all enemies, sworn enemies, and seek for nothing but to indulge their malicious propensities.

Now, if it were our business to inquire, we should like to be informed, how one luckless author has contrived to stir up such a host of enemies. The case is an extraordinary one. In our state of society, personal enmity against those of whom we have no personal knowledge, is by no means a common thing. When a man publishes a book, he makes a demand on the public; he calls on the people to purchase, read, and judge. It is hard, indeed, if readers cannot have the liberty, after this tax upon

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them, to exercise their understanding, and express their opinions freely, and this without the imputation of enmity to the author, or subjecting themselves to be branded with illnatured epithets. The world will soon be weary of buying and reading at this rate. It must be remembered, that the reader, as well as the writer, is disposed to have his own opinion and maintain it; and when an author, whether from a too great sensitiveness, or a jealousy natural to his temper, chooses to take offence at such a liberty, use harsh and taunting language, and persist in affirming that to be right and true, which all other men declare to be erroneous, it cannot be supposed, that he will gain many new friends, or strengthen the attachment of old ones, by such a proceeding.

That our readers may go along with us the more easily, in the remarks about to be made, we shall first briefly state the case before us. When Judge Johnson published his 'Life of Greene,' it was reviewed, as our evil stars would have it, in this Journal.* Not long afterward, certain distant and half audible murmurs indicated to us, that the author was less enraptured with our estimate of his literary claims, than our good nature might incline us to wish, and that he was nowise backward in expressing his distrust of our critical sagacity, and even of our motives. Possessing, as we do, the tender feelings of reviewers, this intelligence could not of course but give us a momentary uneasiness. But what could be done, except to let it pass, like the complaints of other authors, who suffer themselves to be disappointed and angry, when the world will not discover their merits, and when reviewers are so cold blooded, as to praise only what is good, and to expose faults? Soon after this review, a pamphlet came before the world, purporting to be a vindication of Count Pulaski, from a censure made by the author of the 'Life of Greene,' against the military character of that celebrated Polish chief. That pamphlet we also read, and was struck with the honest zeal, and force of argument, with which a veteran friend of Pulaski defended his military fame, and rebutted the offensive charge.

Another review grew out of this pamphlet, in which we took occasion to introduce a few particulars concerning the romantic life and character of Pulaski, and to add such strictures as occurred to us, on that part of the 'Life of Greene,' which related

* North American Review, Vol. XV. p. 416, for October, 1823.

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to this subject.* Judge Johnson could restrain himself no longer. As for the 'Vindication of Pulaski,' he had only 'cast his eye over the title page, and thrown it by, well satisfied that any production with such a title must be beneath his notice.' But when the review came out, he relented. He then felt 'compelled, however reluctant, to come once more before the public;' and, as he has written elaborate 'Remarks' on the pamphlet and review, there is just ground for presuming, that he conquered his antipathy so far as to read them both. We can hardly commend his wisdom in this course, feeling assured that his first argument of silent contempt would have been more successful. But it is not for us to teach an opponent the use of his best weapons. The title of the Remarks here mentioned, is that placed first at the head of this article. Then followed a 'Reply' to these Remarks, by Colonel Bentalou, the author of the 'Vindication of Pulaski,' written in a temperate and dignified tone, in which he reiterates what he had before stated, and confirms it by additional proofs. To these two pamphlets, particularly the former, our observations will be chiefly confined.

A paragraph in the exordium of Judge Johnson's performance, we beg leave to quote at large.

'That I should be assailed by the North American Review,' says he, 'excites no surprise with me. It is what I foretold to my friends explicitly and confidently long before it occurred. For I had reason to think, that there were individuals connected with that Review, whose eternal enmity I had incurred, from causes, which I *have no reason to blush at.* Still I entertained a hope, that there would have been found character enough in the conductors of that work, to repel any attempt to make it the instrument of private or party views. My experience satisfies me, that they only require some specious disguise, some mere pretext, for rather lending themselves *voluntarily* than otherwise to such attempts.' p. 5.

Now what can be the author's point in this paragraph, we are utterly at a loss to divine. There is no doubt deep meaning in it, particularly in the italics, which are his own, but it is quite too deep for us to fathom. We trust, that no Judge of the Supreme Court of the United States has 'reason to blush' for his conduct on any occasion, and much less on so unimportant a one, as that of having an imaginary difference with the 'individuals

* See North American Review, Vol. XX. p. 375, for April, 1825.

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connected with a Review.' Why should he blush? Ah, indeed, why should he, unless at being found in such company, among 'the vainest of the mortal race?' We are sorry, moreover, to hear him talk so much about 'enemies,' 'personal enmity,' 'eternal enmity.' From the language and tone of this pamphlet, one would be almost tempted to think, that he had not a friend upon earth. We do not believe his case is half so bad, as his apprehensions, or his warmth of feeling, would make it; and we can assure him, that when he foretold so 'explicitly and confidently' the assault of the North American Review, he had none but friends among those connected with that work. And further to remove his erroneous impressions, we assure him, that in the matter about Pulaski, which disturbed him so much, no two persons ever exchanged words with direct reference to that article, till it appeared from the press; and we should be willing to pledge ourselves, for the application of the spirit of this remark in every other case, in which the author has been noticed in our work. If this is making him of less consequence in the eyes of the North American Reviewers, than he had supposed, we cannot help it; we state the simple fact. And justice to some individual, or individuals, to whom he pointedly alludes in the above paragraph, although unknown to us, renders such an explicit declaration necessary.

The following paragraph is too remarkable to be passed over, whether considered in its meaning, the beauty of its figures, the delicacy of its sentiments, or the peculiar felicity of its phraseology and style.

'It cannot be denied,' observes Judge Johnson, 'that there is something of a military air in the late combined operations against myself; in the simultaneous attack from the right at Richmond, under the signature of Hamilton; from the centre at Baltimore, through this pamphlet [Mr Bentalou's 'Reply']; and from the left at Boston, under the banner of the Reviewer. One might be pardoned for suspecting that war on so extended a scale indicated talents, which had filled the highest military and civil stations, were it not for one obvious characteristic equally manifesting itself in every movement. They are the attack of the brigand or assassin; they belong not to open warfare. They are the movements of the aspirant for a scalp or a purse, and not the noble darings of that towering genius, that would have given the finale to our revolution, with which most revolutions have concluded, to wit, military despotism and consequent usurpation; justice ad-

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ministered at the point of the bayonet, under the surveillance of avarice, and the guidance of the speculator on public distress and private misery.' pp. 8, 9.

We have quoted the whole paragraph, as a specimen of the author's mode of thinking and writing, when he gets upon a favorite topic. The first sentence is the only part that requires our notice. In all the rest he at least forgets, or disregards, one of the maxims of his own profession, that words should be used not merely as words, but to denote ideas and things; *in verbis non verba, sed res et ratio quærenda est.* But letting this pass, has there ever so extravagant a notion entered the brain of a mortal, since the hallucinations of the knight of La Mancha, as that in which the author has a vision of the 'combined operations' of half the continent in array against him? In one respect there is a difference in the two cases. Don Quixote looked forward to adventures, and trusted to the potency of his own arm for raising antagonists, worthy of his dignity and prowess; while our modern knight sees the phalanxes of his foes already marshalled in battle array, and gathering from distant regions to encounter his might, from the 'left, the centre, and the right,' with 'signatures, pamplets, and the banner of a reviewer.' With as much truth as eloquence, did good old Robert Burton write, to prove the whole world insane; the only difference exists in the different modes of showing madness; it is our author's foible to think himself the great object of notice, nay, of the 'combined operations,' and 'simultaneous attack' of the centre and wings of the nation.

But there is another symptom of the author's singular obliquity of mind, not less extraordinary than this. He tries to persuade himself, that all the forces, in what he calls the centre and the left, have been drawn from a single point. In other words, he insinuates, that Colonel Bentalou's first pamphlet in defence of Pulaski, our review of that pamphlet, and an article in the United States Magazine, which seems to annoy him a good deal, were all written by the same hand! Listen to his remarks on this head.

'The perusal of a very few pages of these publications was sufficient to satisfy me, beyond a doubt, of the quarter, from which the attack proceeded. It is impossible for any reader to be so blind, as not to perceive the common origin of this pamphlet, and of the review of the Life of Greene, published in the United States Magazine, for January, 1823; not less impossible

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than for any one to be so dull, as not to discover the intimate fellowship between the author of this pamphlet and its reviewer. There are passages dispersed through the work, with a view to give it a semblance of genuineness, but the veil is so flimsy as only to excite a smile at the folly, that could suppose itself cunning enough to conceal the fraud.' p. 6.

In another place, alluding to our review, he says, 'the name of a venerable old man, known to have been the companion and freind of Pulaski, is made use of to give an air of authenticity to the pamphlet, and a sanction to the gross imputations, which it casts upon the author of the Life of Greene.' Again, we are charged with 'crouching behind a mere man of straw,' and 'cloaking ourselves with the fair character of the honest old Pole,' (who, by the way, is no Pole at all, but a French officer, that early espoused the American cause,) and, lastly, with 'attempting to pass an honest man off as the writer of that pamphlet.' What will the Judge say, now that Colonel Bentalou has come out with his Reply, and declared himself the author? He has told us beforehand what he would say, and in the following words. 'Nor, if Mr Bentalou has really given the sanction of his name to it, would I be led to change my opinion on this point by anything, that could come from Mr Bentalou.' Even the 'venerable and honest man,' one of the earliest defenders of American liberty, an eyewitness of nearly all he relates, esteemed by all who have known him, enjoying the entire confidence of the government to the present day, and under whose fair name we are accused of cloaking our sins of authorship, even this man is no longer to be believed, when his positive statements are not in accordance with the conjectures of Judge Johnson. When he arrives at this point, his honesty is at an end. Whether our author's sagacity, in discovering that a single hand wrote all the pieces to which he alludes, or his consistency in speaking of Colonel Bentalou, be the more to be wondered at, we shall submit to the decision of others.

Judge Johnson has scrutinized at some length our account of Pulaski in Poland, but as he has added nothing, which had not already come under our observation while examining the subject, we shall not follow him through this part of his pamphlet. We stop only to notice one or two discrepances, into which he has fallen, by attempting to depart from our representation. We have always supposed Pulaski in Poland to have fought for liberty, against usurpation and tyranny. Such is the voice of

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history, as it has come to our ears. But Judge Johnson sustains the singular paradox, of first denying the fact and then proving it to be true. He begins by affirming, that Pulaski was one of a 'band of intolerant persecutors;' that 'to represent such men as combating for liberty, is a farce; nor less so to laud the *republican* virtues of an individual, whose life was devoted to the maintenance of a despotism, which chose to assume the title of the Polish Republic.' But hear what he says three pages onwards, in quoting from Castera, his favorite author. 'The confederates had elected for a general a noble Polonese, named Pulaski, an intrepid man, and *so violent for liberty*, that he did not hesitate to promote even by crimes, the *most honorable of causes*.' Here, then, we have the astonishing phenomenon of an 'intolerant persecutor,' without 'republican virtues,' 'devoted to the maintenance of despotism,' and yet 'violent for liberty,' and in 'promoting the most honorable of causes!' What does our author mean? Both of these descriptions cannot be true. To which horn of the dilemma does he attach himself? Which of these contradictory statements does he really believe? On the principles of the common law, we have a right to presume the latter; *judicia posteriora sunt in lege fortiora;* and thus he is on our side in spite of himself, and the dispute on this point is at an end.

We delight not to show off such faults in a grave writer of history, but we must do our duty and proceed. One fact mentioned by us, as evincing the improbability that Pulaski was guilty of the gross neglect of duty in the battle of Germantown, ascribed to him by Judge Johnson, was, that he received his appointment to the command of the cavalry by the recommendation of Washington, who never afterwards expressed any public disapprobation of his conduct. Of this fact our author expresses a decided and formal disbelief.

'I find nothing,' he remarks, 'in the official correspondence of Washington on the subject. Nor do I believe, that it was on his recommendation, that congress first created Pulaski a general of cavalry. Washington never could have recommended a measure so unjust and disgusting to his own cavalry officers.' p. 36.

Thus far Judge Johnson. Now let us turn to the second volume of Washington's Official Letters, p. 157. What do we find there? Washington writes to the president of Congress,

'Having endeavored, at the solicitation of the Count de Pulaski, to think of some mode for employing him in our service

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there is none occurs to me, liable to so few inconveniences and exceptions, as the giving him the command of the horse. This department is still without a head, as I have not, in the present deficiency of brigadiers with the army, thought it advisable to take one from the foot for that command.' 'This gentleman, we are told, has been like us, engaged in defending the liberty and independence of his country, and has sacrificed his fortune to his zeal for those objects. He derives from hence a title to our respect, that ought to operate in his favor, as far as the good of the service will permit.'

Such was the recommendation of General Washington; and the consequence of it may be seen, in the Journals of Congress, for September 15th, 1777, as follows. 'Resolved, that *a commander of the horse* be appointed, with the rank of a brigadier; the ballots being taken, Count Pulaski was elected.' These extracts, compared with Judge Johnson's statements, require no comment.

We cannot help observing, nevertheless, how peculiarly ill timed are some of this writer's charges against others, when considered as standing in the same pamphlet, and almost on the same page, that contains the gross blunders here exposed. He makes it a light matter to talk of the 'deplorable ignorance,' 'absolute effrontery,' and 'false statements' of his opponents, and to refer them without ceremony to their 'hornbooks.' He kindles into a flame in a moment, upon the slightest insinuation, that he may have been in a mistake, or ventured a doubtful conjecture. To distrust his knowledge, or his judgment, is to forfeit all claims, not merely to his courtesy, but to his charity. Yet we here find him ignorant of the very elements of the history of the Revolution, which he has written two quarto volumes to illustrate, and in which he professes to have made many discoveries, and corrected many errors. A writer of revolutionary history not acquainted with Washington's official letters! As well might we talk of a scholar not acquainted with his alphabet. Let the author of the Life of Greene make a few more such exposures, and it will require no Œdipus to solve the mystery of his great work having been so coldly received by the public.

But it is time for us to recur to the main point of the controversy, originating in Judge Johnson's account of the battle of Germantown. He ascribes the defeat on that occasion, mainly to the fault of Count Pulaski, in being guilty of a culpable neglect

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of duty. As this was the first hint that any historian had given of such a charge, it was natural that Colonel Bentalou, who was an officer in Pulaski's legion, was at his side when he received his mortal wound at the siege of Savannah, and with him when he breathed his last, should be eager to defend the hitherto unsullied military reputation of his friend and commander, and should appeal to the public in his behalf. Hence has grown up the controversy, in which we have found ourselves unwarily involved. In its various historical relations, the subject has some importance, and on this ground our readers will pardon us for entering into it a little in detail.

Our author expresses great disapprobation of all previous accounts of the battle of Germantown, and, after a lapse of almost fifty years, imagines he has discovered the true key for unlocking every difficulty. It had eluded the search of former historians, and its hiding place was unknown even to the general officers, who were themselves leaders in the battle. Well may he exult in such a discovery at the present day, and cry out, like the enraptured philosopher of Syracuse, *eureka, eureka.* 'All the writers on the American war,' says he, 'seem to have vied with each other in working up this battle to a scene of the most abject confusion.' Observe, reader, '*abject* confusion.' How is light to be brought out of this darkness, and the events of the battle to be set in due order, and its fatal issue accounted for? Why, in the simplest way possible. The author's key will put all things right in the twinkling of an eye. You have only to take his word for it, that, during a forced march of the American army of sixteen miles, in the night, Count Pulaski, with a party of patrols, found leisure to go into a farmhouse, and betake himself quietly to sleep; and that, while he was in this unmilitary attitude, the enemy's patrols came upon him, who, civilly declining to disturb his slumbers, scampered away to the British army with the intelligence of the approach of the Americans. Hence the enemy was prepared for the onset, and hence the disasters of the day. Such is the magic of the author's key, and such the substance of what he very justly calls his 'new views' of the battle of Germantown.

Let it not be said, that we treat this grave matter of a battle and a defeat, with too much levity. Pulaski, that miracle of valor and military enterprise, in Europe and America, reposing in the arms of Morpheus, in the midst of the heat, and haste, and excitement of a forced march to battle! The fate of the

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day depending on this incident! *Risum teneatis?* Saving the anecdote of Major Burnet's cue, and General Greene's curls, related by the author in his description of the battle, we do verily believe there is nothing recorded in sober history more nearly approaching the marvellous, than this vision of Pulaski's marching slumbers, and their consequences. But let us attend to Judge Johnson's own language on the subject.

'The Americans are not a little at a loss to account for some events, merely because they write under the erroneous impression, that the surprise was complete. Yet the British assert, and on this point their assertion is not to be controverted, that their patrols had given them an hour's notice of the approaching attack. It is not to be wondered at, that the Americans doubt this upon the supposition, that the British patrol could not have approached the American army, without being discovered by their own. But it is a melancholy fact, of which few were informed, that the celebrated Pulaski, who commanded the patrol, was found by General Washington himself asleep in a farmhouse. Policy only, and regard to the rank and misfortunes of the offender, could have induced the general to suppress the fact. Yet to this circumstance, most probably, we are to attribute the success of the enemy's patrol, in approaching near enough to discover the advance of the American column.' *Life of Greene*, vol. i. p. 83.

Again, in his 'Remarks,' speaking of the loss of the battle, on the part of the Americans, the author says, 'the leading cause, according to my views of the affair, and that in which all others had their origin, was the notice communicated to the British, by their patrols, of the advance of the American army.' Laying down this axiom as a basis, he builds upon it his new theory of the battle of Germantown, tracing all the misfortunes of that luckless day to the untimely slumbers of Pulaski. Now to us this seems not only a gratuitous labor, but without foundation in fact or probability. Who has ever complained, that there was any such mighty difficulty in understanding the details of that battle? Or who has called for any new theory to make the matter more plain, or the causes more evident, than they appear in Washington's own official letter, written the day after the rencounter? The statement there made, harmonizes perfectly with the descriptions of other general officers, and individuals, who were in the engagement; and why come forward at this day with 'new views,' apochryphal testimonies, and conjectural emendations? The dispirited condition of the troops, who

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had been for several weeks under incessant and hard service; their fatigue after a long march in the night; the extreme fogginess of the morning, which prevented the plan of attack from being carried into methodical execution; the delay of a division of the army at Chew's house; and the failure of ammunition in the heat of the battle; these have been represented by other historians, as the remote and proximate causes of the retreat of the American forces, at the moment when victory was declaring itself in their favor; and these causes are so obvious, and so adequate to the effects, and have been so unanimously received as such, that we are justified in repeating it to be a gratuitous and unnecessary service, for any one to attempt to set them aside, or weaken their influence by new discoveries and an imaginary theory.

Before proceeding further to remark on the paragraph quoted above, we shall gratify our readers by inserting here a letter from Colonel Timothy Pickering, a name too well known in this country, during the last half century, to need any encomiums from us. He was present at the battle of Germantown, by the side of Washington, and, from his station, had as good an opportunity of knowing the events of the day, as any other person. This letter is of great value as a historical document, and peculiarly interesting as a narrative of what took place, near the commander in chief, at the critical time of the action.

Salem, August 23d, 1826.

Sir,

'Nearly fortynine years have elapsed since the battle of Germantown; of course you may well suppose, that many facts respecting it are beyond my power of recollection; while a few are indelibly impressed on my memory. Without repeating all your questions, I answer them by the following statement.

'1. I did not know at the time, nor do I recollect ever to have heard, that Pulaski was found asleep, until it was mentioned by Judge Johnson, in his "Life of General Greene." Nor do I remember to have heard him censured for any neglect of duty, in the case referred to, the battle of Germantown. It was on the 15th of September, 1777, as appears by the Journals of Congress, that Count Pulaski was appointed commander of the horse, with the rank of brigadier general. He must have brought with him from Poland the reputation of a *good officer*, of which *vigilance*, when on duty, is an essential characteristic; or, a perfect

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stranger as he was, he would not have received that honorable appointment. The distance the army had to march, from its encampment on the Skippack road to Germantown, is estimated to be about sixteen miles; and, therefore, (although I do not recollect it) a very temporary halt might have taken place; but certainly not long enough for an officer, or private, to have retired to indulge in sleep in a farmhouse.

'2. General Washington, in his letter to Congress of October the 5th, the day after the battle, says, "that the army marched about seven o'clock in the evening of the third; and that General Sullivan's advanced party attacked the enemy's picket at Mount Airy, or Mr Allen's house, about sunrise the next morning, which presently gave way; and his main body, consisting of the right wing, following soon, engaged the light infantry and other troops encamped near the picket, which they forced from their ground. Leaving their baggage, they retreated a considerable distance, having previously thrown a party into Mr Chew's house." * The term here applied to these advanced corps of the enemy, that they were "*forced* from their ground," shows that they were *in arms*, and *resisted* the assailants; and the previous brush with the picket, a guard always posted in advance on purpose to give notice of an enemy's approach, roused "the light infantry and other troops," who had time enough to take their arms and form for action. They retreated, of necessity, before the greatly superior force of the whole right wing of our army. But the "leaving of their baggage" authorizes the inference, that they had no knowledge of the march of the American army, until the firing in the engagement with the picket guard gave the alarm. If then these advanced corps of the enemy were not, in the strict sense of the word *surprised*, that is, "caught napping," unprepared for action, much less could the main body, posted in the centre of Germantown, two miles farther off, have been *surprised*. This distance gave them ample time to prepare for action, in any manner which the attack of their enemy should require.

'3. You ask, "at what distance from Chew's house the attack commenced?" At that time I was a stranger in that part of the country. From my subsequent acquaintance with it, during my residence in Pennsylvania, I should estimate the distance of Mount Airy from Philadelphia to be eight miles, Chew's

* Washington's Official Letters, Vol. II. p. 177.

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house seven miles, and the centre of Germantown six miles. And these I think are the distances, as I have occasionally heard them mentioned.

'4. You ask, "how long a pause was made at Chew's house; and what space of time probably intervened between the beginning of the action, and the general engagement at the head of the village?" The pause at Chew's house, in the manner I shall presently mention, probably delayed the advance of the *rear division* of our army into action for half an hour. And taking the attack of the picket at Mount Airy, as the beginning of the action, it was probably near half an hour before it became general *as to the whole of Sullivan's column;* and *this* general engagement must have commenced *after he had passed Chew's house;* for I saw not one dead man until I had passed it, and then but one, lying in the road near where I fell in with General Sullivan. I presume that, following close on the heels of the British battalion of light infantry and the fortieth regiment, which were retiring before him, Sullivan, with his column, had passed Chew's house, without annoyance from it. For it must have taken some time for Colonel Musgrave, who entered it with six companies of the fortieth regiment, to barricade and secure the doors, and the windows of the lower story, before he would be ready to fire from the chamber windows; and it was from them that the firing I saw proceeded.

'In the march of the army, General Washington, following Sullivan's column, kept in the road leading to and through Germantown to Philadelphia. When we had entered the northern part of the village, we heard, in advance of us (I was riding by the General's side), a very heavy fire of musketry. General Sullivan's divisions, it was evident, were warmly engaged with the enemy; but neither was in sight. This fire, brisk and heavy, continuing, General Washington said to me; "I am afraid General Sullivan is throwing away his ammunition; ride forward and tell him to preserve it." I do not know what was the precise idea, which at that moment struck the mind of the General. I can only conjecture, that he was apprehensive that Sullivan, after meeting the enemy in his front, kept up his brisk and incessant fire, when the haziness of the air, and its increased obscurity, from the burning of so much powder, prevented his troops having such a distinct view of the enemy, as would render their fire efficient. Be this as it may, the instant I received the General's orders, I rode forward; and in the road, three or four hundred

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yards *beyond* Chew's house, met Sullivan, and delivered to him the General's orders.

'At this time I had never heard of Chew's house; and had no idea that an enemy was in my rear. The first notice I received of it was from the whizzing of musket balls, across the road, before, behind, and above me, as I was returning, after delivering the orders to Sullivan. Instantly turning my eye to the right, I saw the blaze of the muskets, whose shot were still aimed at me, from the windows of a large stone house, standing back about a hundred yards from the road. This was Chew's house. Passing on, I came to some of our artillery, who were firing very *obliquely* on the front of the house. I remarked to them, that in that position their fire would be unavailing, and that the only chance of their shot making any impression on the house, would be by moving down and firing *directly* on its front.* Then immediately passing on, I rejoined General Washington, who, with General Knox and other officers, was in front of a stone house (nearly all the houses in Germantown were of stone), next northward of the open field in which Chew's house stood. I found they were discussing, in Washington's presence, this question; Whether the whole of our troops then behind should immediately advance, regardless of the enemy in Chew's house, or first summon them to surrender? General Knox strenuously urged the sending of a summons. Among other things, he said, "it would be unmilitary to leave a castle in our rear." I answered, "Doubtless that is a correct general maxim; but it does not apply in this case. We know the extent of this castle (Chew's house); and to guard against the danger from the enemy's sallying, and falling on the rear of our troops, a small regiment may be posted here to watch them; and if they sally, such a regiment *will take care of them.* But," I added, "to summon them to surrender will be useless. We are now in the midst of the battle; and its issue is unknown. In this state of uncertainty, and so well secured as the enemy find themselves, they will not regard a summons; *they will fire at your flag.*"† However, a flag was sent with a summons.

* 'The heaviest artillery then with the army, were, I think, only brass six pounders.'

† 'This is the statement I had occasion to make eighteen years ago, in a letter to Governor Sullivan. I marked it with inverted commas, because I perfectly remembered the ideas I expressed, as the words used import; and I am also sure, that there is no material change in

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Lieutenant Smith of Virginia, my assistant in the office of adjutant general, volunteered his service to carry it. As he was advancing, a shot from the house gave him a wound of which he died.*

'Whatever delay, in the advance of the division in our rear, was occasioned by the pause at Chew's house, I am satisfied that Sullivan's column did not halt there at all, as mentioned by Judge Johnson. The column was certainly not in sight, when the General sent me with the orders already noticed; and it is alike certain, that it was then beyond Chew's house. Nor were the enemy forming under cover of the house, or I must have seen them. *When* the orders were sent to our troops in the rear to advance, I do not know; but it must have been subsequent to the sending of the flag; and, I should think, twenty minutes, at least, after it was found that an enemy was in the house. The General did not pass it at all. I had remained near him until our troops were retreating; when I rode off to the right, to endeavor to stop and rally those I met retiring, in companies and squads; but it was impracticable; their ammunition, I suppose, had generally been expended.

'5. In the aforementioned letter from General Washington to Congress, he says, "the attack from our left column, under General Greene, began about three quarters of an hour after that from the right." You ask the cause of this. The answer is obvious. The right column, under General Sullivan, which Washington accompanied, marched on the direct road to Germantown. Greene, with his column, was obliged to make a circuit to the left, to gain the road which led to his point of attack. The columns being thus entirely separated, and at a distance from each other, no calculations of their commanders could have

the language, as uttered by me at the instant. In writing it, I endeavored to recollect the very words I had used.'

* 'General Henry Lee, in his "Memoirs of the War in the Southern States," mentions the zeal with which Lieutenant Colonel Hamilton (Alexander Hamilton, then one of Washington's *aids de camp*, and since so well known for the display of his eminent talents, in the service of his country) urged the propriety of passing Chew's house. This must have been while I was absent, carrying the General's orders to Sullivan. I perfectly remember, that when poor Smith was brought off wounded, Major Gibbs, who was in the General's family, said to me, "While you were absent, I offered to carry the flag; I bless my stars that it was not accepted."'

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insured their arriving at the same time at their respective points of attack.

'Judge Johnson, in his "Life of Greene," has represented as "almost ludicrous" the "scene" exhibited by some writers, of the discussion near Chew's house, in the presence of General Washington, in which it is hinted that opinions were "obtruded;" and that even field officers may have expressed *their* opinions; "but," he adds, "General Washington was listening to the counsels of his own mind and of his general officers." I know, however, that he did listen to the discussion; and Lee, commanding a troop of horse, on that day on duty near the General's person, accounts for his determination to send the summons. "Knox," he says, "being always high in the General's confidence, his opinion prevailed." Further I must remark, that the general officers, whom the Judge supposes to have been present, and advising the commander in chief, were then in their proper places, with their divisions and brigades. Knox alone, of the general officers, was present. Commanding in the artillery department, and the field pieces being distributed among the brigades of the army, he was always at liberty, in time of action, to attend the commander in chief. Some two or three years since, I wrote to Judge Johnson, informing him of his mistakes in the matter noticed in this paragraph. Others of his details of this battle, which are inconsistent with the statements I have here given to you, must be incorrect. The truth is, that General Washington, not sanguine in his own opinions, and his diffidence being probably increased by a feeling sense of his high responsibility, as Commander in Chief, was ever disposed, when occasions occurred, to consult those officers who were near him, in whose discernment and fidelity he placed a confidence; and certainly his decisions were often influenced by their opinions. This is within my own knowledge.

I am, &c.

T. Pickering.'

In this letter we are presented with a lucid exposition of the difficulties of the battle, which Judge Johnson has conceived to be so inexplicable, in all former narratives, and which he has rendered still more perplexing, by his attempt to explain them. His 'new views' happen to be all wrong, and wholly unnecessary to make out a consistent account of the principal incidents of the engagement. Two or three of his new positions shall now be examined.

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1. Respecting the slumbers of Pulaski, which the Judge considers the prime cause of all the disasters of the day. In a case like this, it is difficult to prove a negative. No man living, it may be, can say that Pulaski did not sleep, while on the march from Skippack creek to Mount Airy, because there may be no man living, who was constantly in his presence. All probability is certainly against it, even leaving the character of Pulaski out of the question. The conviction must be strong on the mind of every one, as it is on that of Colonel Pickering, that no officer, or private, could have found an opportunity to sleep. If there was any halt at all, it must have been very short, for Colonel Pickering does not recollect any; and considering the distance marched and the time employed, it would hardly seem possible, that the army could have stopped on the way. To make his theory hang together, Judge Johnson assures us, that 'Pulaski must have retired early,' thereby affording time for the British patrols to give due notice of the movement of the American forces. This is involving the matter in a still greater absurdity, for it is supposing the army to have halted near the beginning of its march, and rested there, while Pulaski was calmly reposing in a farmhouse; whereas, if there was a halt at any time, it must have been after the men had become somewhat fatigued, and not long before the commencement of the action.

Moreover, how does it happen, that no more than one officer near General Washington's person, should have known the fact, and heard the General's reprimand? Where were Knox, and Pickering, and Hamilton, and Lee, whose duty on that day brought them in contact with the Commander in Chief? Is it possible, that so gross a neglect on the part of an officer, a neglect in which originated the entire failure of the enterprise, should have been kept a secret from them? Is it possible, that such a piece of intelligence should not have rung through the whole army in twelve hours' time, and have flown on the wings of the wind to every corner of the continent? Is it possible, that the officer, who, by sleeping on his post, was the means of losing the battle of Germantown, should have been continued in his place, and entrusted till the day of his death with an important command? Is it possible, that such a secret should have remained hidden from the whole world, till fortyfive years after the event, eluding the prying eye of the historians and military critics of this battle? Is it possible, that Washington could have overlooked such a neglect of duty, and neither have mentioned

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it in his public report, nor whispered it to any person, although his own reputation, and that of the army, were so intimately connected with it? Are these things possible? We say they are not. The conviction on our mind is irresistible, without any other testimony than the simple statement of the case. Nor do we believe, that any man, who fairly examines the subject in this light, will come to a different conclusion. And when, in addition to this, we consider, that the great military fame of Pulaski was chiefly founded on the qualities here denied to him, vigilance and promptitude, that in the perilous scenes in Poland, where for many years he acted a bold and leading part, he never was surprised by his enemies, nor taken prisoner; when we remember, that all Europe had resounded with the report of his valor, his achievements, and his extraordinary military talents; we shall then have other arguments in his favor, that will weigh heavily with most minds.

As a balance against the weight of these circumstances, Judge Johnson cites the single authority of General Pinckney, who was aid to the Commander in Chief. We have full confidence in the veracity, and respect for the high character, of that tried patriot and statesman. But on the present occasion we hesitate not to say, that we believe he was mistaken. The testimony of one man, in so remarkable a case, where there were many others as likely to know the fact as himself, and whose duty it was to report it, makes no impression on our judgment, when brought in competition with the multitude of impossibilities, which have just been enumerated. Nor have we ever seen General Pinckney's name to any statement of the kind, nor any explanation by him of the thousand difficulties, which embarrass his evidence. How he would have reconciled them we presume not to conjecture; but as the case now stands, we doubt whether any person can examine the whole ground without being convinced, that General Pinckney's impression was erroneous.

Again, how does Judge Johnson dispose of the difficulty attending the silence of Washington, in a case of such moment, where his duty as Commander in Chief, justice to himself, to his officers, to the nation, imperiously demanded from him public exposure and censure? In a most extraordinary way truly. He says, that 'policy only, and regard to the rank and misfortunes of the offender, could have induced the general to suppress the fact.' We ask if so dark a stain can attach to the character of Washington, as that of screening from punishment and dis-

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grace an 'offender,' who had been guilty of such gross neglect as is ascribed to Pulaski? We trust not. In his 'Remarks,' the author enlarges upon this topic, and tells us, that 'Washton was often obliged to temporize,' that it 'could seldom comport with his dignity to be the accuser of an officer,' and that 'to him there would have been no pleasure in the task.' Indeed, *no pleasure in the task!* And is this the reason given by a judge, why the guilty should go unpunished? General Washington sacrificing justice to 'policy,' 'temporizing,' neglecting to notice an offender, because it did not 'comport with his dignity,' and because he had 'no pleasure in the task!' *Ohe, jam satis!*

In a postscript to his pamphlet, the author appeals to a declaration of Lafayette, in the following rather equivocal language. 'If General Pinckney's testimony to support the fact related of Count Pulaski could need corroboration, it can be further proved, that General Lafayette, when lately in Columbia, declared it to be true of his own knowledge.' Now it happens, that when Lafayette was in Baltimore, he was directly asked by Colonel Bentalou, if he ever heard the report of Pulaski's being asleep; to which he instantly replied, 'No, never.' Mr Barney, the present representative in Congress from Baltimore, writes thus to Colonel Bentalou. 'I distinctly recollect, that when you asked General Lafayette if he ever had heard General Washington mention, that Count Pulaski had been found asleep at his post, previously to the battle of Germantown, or that the surprise was prevented by neglect of duty on his part, General Lafayette replied with warmth, "No, never;" and proceeded to speak of Pulaski in the highest terms of praise.' So much for the hearsay report of what Lafayette declared at Columbia. And, again, as to the fact having been '*true of his own knowledge*,' it unluckily turns out, that he was not present at the battle, but was then at Bethlehem, in consequence of the wound he had received in the battle of Brandywine.

But even taking the position to be settled, that Pulaski did sleep on his march, no two things can be more remote from each other, than this cause and the effects ascribed to it by Judge Johnson. Were the British patrols any more likely to see a sleeping, than a waking man? Besides, are we to understand, that all Pulaski's party were asleep as well as himself? In short, look at the thing in what light you will, and the circumstance of Pulaski's having been asleep or not, can have no con-

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nexion whatever with the issue of the battle. We deny, moreover, that either he, or any of his men, or any of the American advanced parties, were seen by the British patrols, in time to communicate this intelligence, before the battle commenced. This will appear in what we have to say on the next topic.

2. Judge Johnson accounts for some of the blunders, which he supposes historians to have committed in describing this battle, by considering them to have written 'under the erroneous impression that the surprise was complete.' Now, from the best authority to which any person at the present day can have access, from the unanimous records of history, and from the whole train of events during the battle, we undertake to affirm, that the *surprise was complete;* in other words, that the British army, stationed across the village of Germantown, had no knowledge of the intended attack of the Americans, till the firing was heard when the engagement began at Mount Airy, two miles from the encampment of the main army. Gordon says, that 'the royal army was indeed completely surprised.' * Andrews, a British writer, speaks of the 'suddenness of the attack,' and of the '*first surprise.*' † In a work on the Revolution, ascribed to Captain Hall of the British army, who writes as if he were present in the battle, we have the following remarkable statement.

'Notwithstanding this enterprise was conducted with great secrecy by the enemy, yet we had strong reason to believe, that they were meditating some important design. A prisoner or two, made very early in the morning, who had strayed from their advanced guard, and gave information of the rebel army being in full march towards us, afforded hints that might have been turned to great advantage, and if properly adverted to, possibly ended in the total destruction of the enemy. *And when the firing began from the pickets, and advanced battalion of light infantry, whose camp the enemy not only penetrated but plundered, it even then gained but little credit at head quarters,* where this commotion was supposed to arise, rather from a flying party of the enemy, than a serious attack.' ‡

Here the author takes the surprise for granted, and censures the commander of the royal army for his apathy, in not having anticipated it. Stedman, another British writer, in alluding to

* History of the American Revolution, Vol. II. p. 526.
† Andrews' History of the Late War, Vol. II. pp. 373. 375.
‡ History of the Civil War in America, Vol. I. p. 321. London, 1780.

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the affair at Chew's house, says, that, by the delay there, 'time was afforded to the *rest of the British line to get under arms.*' * But why was it not already under arms, if knowledge of the advance of the Americans had been obtained nearly two hours before, as it must have been, according to Judge Johnson's interpretation? A stronger proof, indeed, of the complete surprise of the enemy, could hardly be furnished, than General Washington's own letter, as quoted above by Colonel Pickering. The firing commenced with the enemy's picket, which instantly retreated. This was evidently the first notice of the intended attack, received by the next division of the enemy, posted near the picket; for although they had time to rally to arms, yet so sudden was their retreat, that their baggage was left behind, as stated by General Washington. This circumstance is inexplicable, upon the supposition that the British had a previous knowledge of the contemplated attack; for it was a matter of course, in any event, that these outposts would be driven in, and the baggage would as certainly have been secured in the rear. Not only their baggage was thus neglected, but their tents were left standing. Colonel Bentalou testifies that he saw them as he passed through the camp. We have before us a manuscript copy of a letter, written by General Smallwood to the governor of Maryland, five days after the engagement, in which he says, 'The retreat was prosecuted with little or no other loss, than the field of action, which, to our reproach, was abandoned in the midst of victory, after taking possession of the *enemy's encampment and baggage*, with many pieces of artillery and military stores.' If all these circumstances do not prove a surprise on the part of the enemy, we should despair of proving it by any force of argument, or combination of facts. The time between the beginning of the attack at Mount Airy, and the meeting of the two armies in Germantown, was abundantly sufficient for the British forces to get ready for action, and to proceed as far as they had done towards the head of the village.

The mistake fallen into by Judge Johnson, in regard to the time at which the action began, is not a little extraordinary. He says it was 'about *four o'clock* in the morning.' But Washington writes, in his official report, that the attack on the picket, at Mount Airy, was '*about sunrise*,' being two full hours later than the time specified by our author. At first we were puzzled to

* Histoy of the American War, Vol. I. p. 299.

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account for this discrepancy, presuming no American historian would describe the battle of Germantown, without reading Washington's official letter on the subject; and even now we can explain it, only by recurring to the author's new theory. He had laid it down as an axiom, that the British 'had an *hour's* notice,' by their patrols, of the approach of the American army. In Sir William Howe's official report, it is stated that this discovery was made 'at three o'clock in the morning.' To preserve the correctness of the axiom, therefore, it was necessary to fix the beginning of the battle at four o'clock, or one hour later, notwithstanding the plain declaration of Washington to the contrary. Sir William Howe says the action began 'soon after the break of day;' Stedman and Hall both use the same phrase, 'at the dawn of day.' But this is a point upon which Washington could not be mistaken. We have already said enough to show the error of the British commander's statement respecting the patrols. It was not likely he would report a surprise of his army to his own government. On what authority Judge Johnson writes, that 'the *British assert* that their patrols had given them an *hour's* notice of the approaching attack,' we know not. We have found no such assertion in any British author, nor seen any allusion to the patrols, except in Sir William Howe's report, and in the 'Annual Register,' which evidently copies that report.

3. We come at last to the affair of Chew's house. Colonel Pickering's letter gives a much more full, clear, and satisfactory account of this part of the battle, than has ever before appeared; and, at the same time it establishes the opinion derived from all former historians, it contradicts, in almost every essential particular, Judge Johnson's 'new views.' On this branch of the subject, little needs to be added to the letter of Colonel Pickering, except to point out a few more of our author's mistakes. In Lee's Memoirs of the War [vol. i. p. 29.], we are told, that 'the halt at Chew's house was taken *after some deliberation*, as the writer well recollects, being that day in the suite of the Commander in Chief, with a troop of dragoons charged with duty near his person. Many junior officers, at the head of whom were Colonel Pickering and Lieutenant Colonel Hamilton, urged with zeal the propriety of passing the house. Brigadier Knox opposed the measure with earnestness, denouncing the idea of leaving an armed force in the rear.' Judge Johnson says, in his 'Remarks,' that this halt 'was not ordered by Washington,'

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that it 'was but momentary,' 'brief and involuntary,' and 'of very brief duration.' Our readers have seen, in Colonel Pickering's letter, that the halt *was* ordered by Washington; and, so far from being momentary, it continued for nearly half an hour, long enough for the British to form and manœuvre as they chose. These facts destroy the entire foundation of the new theory, for it is perfectly obvious, that this delay was the first and principal cause, if not the only one, of the retreat of Sullivan's division, and thereby the rout of the whole army, by so contagious an example. Had the rear divisions of the army, which were stopped during the conference mentioned above, been brought up immediately to the support of Sullivan, there is every probability, that the action would have terminated very differently, although other causes might have led to a defeat. As things actually turned out, however, it is certain, that the parley at Chew's house was the first and chief cause of the discomfiture.

Judge Johnson writes with a singular misapprehension of the train of events, as they occurred at this stage of the action. He says, 'It is true, that on reaching Chew's house, Sullivan's column was halted.' Yet it appears from Colonel Pickering's letter, that this is not true at all. Sullivan was several hundred yards in advance of the house, and actually engaged with the enemy, before it was known that any such obstacle existed. And what is still more remarkable, we do not find, that the author has anywhere mentioned the circumstance of the flag of truce, or the death of the brave and unfortunate Lieutenant Smith. Historical justice will hardly excuse such an omission. These incidents militate, to be sure, against the new theory, because they could not have occurred without something more than a 'brief and involuntary' pause; yet, we suppose, this would hardly be urged as an apology for passing them over.

But we must hasten to a close, having already, as we fear, trespassed unreasonably on the patience of our readers, although several topics have been left untouched. What the author will think of our presumption in questioning his infallibility, or in taking it upon us to point out a few of his mistakes, we cannot say; for he sets himself up very high, quite above the sphere of the common order of writers, shrouding the beams of his countenance in most 'disastrous eclipse,' frowning terror upon daring critics, and insisting that he is not to be looked at through the same puny optics, and judged by the same rules, as the multi-

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tudes, who are clambering up the sides of the mountain of fame, on whose summit he has seated himself with much apparent composure. Unfortunately, we have but one set of optics, through which to view the moving panorama of authors, and if he suffers a diminution by the giddy height to which he has lifted himself up, the fault is not ours. We have seen it hinted, it is true, in a certain quarter, that 'the dignity of the Supreme Federal Court' is likely to be jeoparded, by bringing down a judge from his lofty preeminence, and placing him on the stand of critical investigation, in company with the hackney tribe of scribblers, such as reviewers, poets, essayists, novelists, jinglers of rhyme, oration makers, and the like. The thing does not appear to us in the same light. If a learned judge condescends to write a book, and a great book too, we hold it to be his duty, so far to imitate the virtues of Job, as to bear patiently the inflictions of merciless reviewers. What else are books written for, in these days, but to be reviewed? Not surely to be read. If our author really thinks so, we beg he will forthwith consult his publisher, and see how the supply, in the case of his own work, has corresponded with the demand.

The subject is, moreover, to be viewed under another aspect. We should be the last to speak lightly of dignities, though we do not believe in the divine right of kings, of bishops, or of judges. But the dignity we reverence is that of conduct and character. We consider true dignity to consist in a correct deportment, respect for others, and an upright discharge of duty, in whatever station a person may be placed by Providence. This is the whole amount of dignity. Hence it by no means follows, that he is the most dignified man, who sits in the highest place, any more than he who writes the largest book, or makes the longest speech to the empty seats in Congress hall. In short, there is no connexion between true dignity and station. Particular systems of action are adapted to particular stations, and all that dignity demands is, that these systems be properly applied. He, who misapplies these, is undignified. So a judge may be very dignified, when clothed in his robes, with wisdom on his brow, and thought in his features; but let him dress himself in a cap and bells or act the harlequin in the halls of justice, and the dignity of the judge will be no longer seen. The crier of the court may sustain all suitable dignity, while sitting in the crier's box, but place him on the bench, and he will be instantly transformed into another kind of personage. From these hints

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we infer, that dignity is not confined to particular professions, nor classes of persons, not even to judges of the Supreme Court, although we are willing to confess, that when this body is convened, we know not a more imposing spectacle. Yet we maintain, that all dignity is not centered there, but much of it is to be found in other parts of the community; and even we, humble reviewers as we are, have the vanity to believe, that we have our share of dignity to uphold. In this respect, presumptuous as it may seem, we assert the right, nay, exercise it too, of putting ourselves on a level with the writer of the 'Life of Greene,' not by going up to the top of the hill where he sits, but by supposing him to have come down, for a short space, into the little valley where we dwell. Or, to speak more *à la militaire*, we meet him on the common ground of authors, a ground on which he has chosen to enter the lists, and where he has no right to look for any other than equals. The dignity of the craft, and not of the 'Supreme Federal Court,' is here to be regarded; and if the author of the 'Life of Greene' thinks that we, as a portion of the brotherhood, have not had this dignity sufficiently before our eyes, in what we have said of his work, we have only to entreat, upon the principles of equal justice, that he will cast back half an eye over the wanderings of his own pen, and then judge whether our dignity as reviewers, or his as a biographer, has met with the severer contusions. There is a maxim in the books, *lex æquitate gaudet.* It may here be reduced to practice.

We thought to subjoin a few observations on the general merits of the 'Life of Greene' as a work of history, but perhaps an opinion sufficiently accurate can be formed, on this point, from what has already been said. One remarkable fault, however, and one which, in our view, renders the book of almost no value, as a work of reference, we shall here mention a second time; we mean the total absence of authorities. The new description of the battle of Germantown, which we have seen to be so full of errors, is given without reference to a single authority in the work itself. There can be no greater defect than this in a history, in which many new facts are professedly brought out, and new opinions advanced. The chief value of a written history is in its truth, and next, in the evidences of its truth. We had before stated this objection strongly, and the author's reply is not less remarkable for its brevity, than its courteousness. He affirms, that the objection 'is not worthy of

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the most common understanding,' and that he had done enough to state generally in his Introduction the origin of his materials. In this we differ from him *toto cœlo*. But the strongest thing of all is yet to come. Says this accommodating historian, who carries himself so *suaviter in modo* and *fortiter in re*, 'any one, who had approached me in the attitude of a gentleman, might have satisfied his curiosity, or more laudable feelings, by a *private inquiry*.' What an immense facility is here offered to the student! All historical authority is hereafter to be settled, and all doubts cleared up, by a private correspondence with the author, whether he live ten or ten thousand miles off, in the present or a past age. No more notes of reference are wanted, no more consulting of books; the author himself is to be the centre of a correspondence with all the world, a living commentator, never to die, never to be weary of his great and varied vocation. No future Brodies or Lingards shall sharpen their pens, to assail the historical veracity of our author; a *private inquiry*, provided it be made 'in the attitude of a gentleman,' shall open the portals of knowledge, remove suspicion, and silence skepticism.

ART. XI.—*A Sketch of the Internal Condition of the United States of America, and of their Political Relations with Europe.* By A RUSSIAN. Translated from the French, By AN AMERICAN. *With notes.* Baltimore. 1826. 8vo. pp. 163.

A FOREIGNER's account of our institutions and manners always finds eager readers in America. We entertain this curiosity in common no doubt with all other people; but in us it has been heightened by some accidents in our situation, into a sort of impatient anxiety. Our portrait has been drawn by those, for the most part, whom some very intelligible feelings have prevented from regarding us with much good nature, while, at the same time, certain affinities existing between us, have encouraged a hope of better treatment at their hands. What has magnified the provocation is the respect we entertain for them at heart, and the means they possess, through the diffusion of their language

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and literature, of giving currency to the error. It is John Bull, in short, that has most sorely moved the spirit of Brother Jonathan.

That sturdy personage is no favorite, indeed, nearer home, nor is the dislike of him, among his continental neighbors, to be dated only from the era of Lord Castlereagh. Long before that time he had acquired the unlucky fame of over pertinacious nationality; would quarrel with the skies of Italy for being too bright, and with his neighbors of France for being too gay; and, with that insular prejudice, which the most philosophical of his own historians has remarked in him, was always mightily inclined to think that there was little worth having out of England. Now we cannot allow the wealth of our kinsman to be any apology for his ill manners; and it is with a kind of amazement, that we see him wandering over the world, and every where piquing himself on sullying his national reputation with his individual peculiarities, and, above all, by a sulkiness, which, making every allowance for the vapory sky he was born under, is quite incomprehensible.

But if our elder brother regards with scorn all deviations from his own standard of notions, even in those who speak a different tongue, and live under different laws from his own, he suffers a sort of angry surprise, when he sets foot on these shores of his own planting. Here every thing is at once *aliud et idem*, the same, yet not exactly the same, with what he has been accustomed to see at home. Where language, dress, manners, and modes of all sorts, are wholly different, comparison is less easy, or their respective merits must be adjusted by that general 'fitness of things,' which always leaves much to be said on both sides. But here, where he sees a prevailing similarity to his own institutions, and where the general imitation on our part seems an implied acknowledgment of superiority on his, the particular differences, arising out of physical and moral circumstances, are apt to strike him rather as awkward resemblances, than as intended deviations. He is less lenient towards them for much the same reason, that he ridicules more unsparingly a Scotchman's or an Irishman's blunders, in English, than those of a Spaniard or an Italian. It is pretty obvious, in short, without recurring to more serious causes of difference, why we should meet less grace at the hands of England, than of countries, which, having fewer affinities with ourselves, might seem at first, less likely to appreciate us fairly.

In justice, however, it must be owned, that a part of all this

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must be set down to ignorance. There is, for instance, a strange incapacity of learning American geography in John Bull; an appellation, by the way, which we bestow on him so often, not in the spirit of reproach, but because, for some reason or other, he seems to take a pride in it. We do not refer now to any particular mistake, as when his reviewers enumerate Philadelphia among the States, or his poets make the aloe indigenous in Pennsylvania,—but to the general inability which he seems to labor under, of distinguishing one part of our country from another, and of conceiving that they may have different shades of culture, manners, and civilization. To him it is all as a single point, a wilderness without limits or distinction. He thinks, we believe, that the buffalo runs wild in Boston, and a murder on our remote frontier is enough to give him an ill opinion of the police of New York. An American could not blunder more, were he to fancy that half naked Highlanders walk about brandishing their claymores in Regent Street. He seems quite to forget, that when our progenitors left his shores, they left it with the same refinements that he himself had, or, to use the language of our author, that 'though our country is new, yet its civilization is old.' It should not seem incredible, that a country, planted by civilized Englishmen two centuries ago, should have made considerable advances since. These reflections ought to calm the alarms of any worthy dowagers, whose sons may hereafter have the rashness to bethink them of a tour among the North American Indians; and may perhaps serve to explain how it happens, that a country where men *gouge*, and stab, and shoot, and play the 'regulator,' should have policed cities, and well dressed women, and balls, and assemblies, and operas. But in truth we give ourselves quite too much concern about this matter. Time will tell all the truth at length, and place us in the true light, however our critics may darken the picture on the one hand, or we ourselves seek to throw in false glares on the other. For it may be, that we sometimes put forth exorbitant pretensions; and while enjoying that general content and competence, which seem destined to exist but at one stage in the progress of a community, would claim credit for refinements, which are purchased mostly at the price of too abundant population, of inequality of property, and of all the unpalatable fruits of these to the less fortunate classes of luxurious states.

Leaving, therefore, our English kinsmen to correct their

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prepossessions at leisure, our readers may be curious to know in what light we appear to the native of a country, much more widely remote both in situation and manners. The gentleman to whom the work is attributed, whose title stands at the head of this article, is well known in the United States, where he resided and travelled during several years, at different periods, and where his situation and associations were certainly very favorable to just observation. On some points, indeed, it is hardly to be expected, that the subject of a monarchical government will take the tone we could wish. His 'Sketch,' however, and it is a mere sketch, will, on the whole, lose him no favor with the moderate and impartial. It adds nothing, to be sure, to our stock of facts concerning ourselves, but it has, at least, the merit of being generally correct; and if the reflections, which are judicious and temperate, have no very striking novelty, this circumstance itself serves to show, that their author has associated intimately with us, and thus become familiar with topics, which are frequent in our political and social circles. Perhaps the best compliment we can pay him is to say, that, fortunately placed as he was for collecting the materials, we should have been well pleased to see his *glance (aperçu)* extended to more numerous and minute details.

The following passages contain some of his remarks on the permanent and the accidental causes of our national prosperity, and of the comparative depression felt at this moment. If not very new to American readers, they may at least please us, by the conviction they express of the stable foundation of our commercial importance. The author speaks thus, in his Preface, of the *progress* of the country.

'Wretched villages, which I had left in the midst of impenetrable forests, had assumed the appearance of flourishing towns. Cultivated fields had taken the place of heaths, which not long before seemed impassable, and over ground, which could scarcely be traversed in country wagons, mail stages were to be seen whirling along with the greatest rapidity. Such changes are particularly remarkable in the western part of the state of New York.' *Preface*, p. ii.

He next proceeds to account for this surprising prosperity.

'Natural and immutable causes, joined to others entirely accidental and transient, have concurred in producing the extraordinary developement of industry, in a country so recently eman-

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cipated, and so far from the great focus of civilization. Among the permanent causes, we must assign the first rank to the geographical situation of the United States, which gives them all the advantages of an insular position, in regard to external security, without excluding those which result from the possession of a territory, immense in extent, and susceptible of every species of culture.' 'The great extent of fertile lands, and the abundance of the means of subsistence in the United States, are the more favorable to the population, as it is naturally active, laborious, and enterprising. Thus have we seen it double itself in the space of twenty years succeeding the war of their Independence. This single fact in their statistical annals, has not since been repeated.' pp. 5, 6.

After speaking of the establishment of the federal constitution, he proceeds,

Under the ægis of this government, as defective as it would appear at the first glance, the United States have presented themselves to the nations of Europe, to claim their part in the great commerce of the world and the navigation of its seas. This participation would have been inconsiderable, taking into consideration the spareness of the population, the excessive dearness of every species of workmanship, without the long and bloody wars, of which the French revolution was either the cause or the pretext. Seeing nothing to fear from the eruptions of this political volcano, the North Americans profited by the misfortunes of Europe; and having by a series of favorable circumstances, become the only neutral nation of the civilized world, they soon appropriated to themselves the universal coasting trade, concurrently with the English, who ruled the seas, without being able, nevertheless, to subdue the coasts, from which they were constantly repulsed. Whether the neutral commerce or the coasting trade proved most advantageous to the Americans, or to the other nations with whom it was carried on, certain it is that the profits derived from it by the former were so enormous, that after having paid for all the consumptions of the United States, in foreign merchandise, there still remained enough to gratify the expensive taste of a rising luxuriousness and the no less costly refinements of fashionable life.' pp. 10, 11.

Having reviewed successively the interruptions to our neutral navigation, the trade to Spain and Portugal, and finally the pacification of Ghent, he says,

'When the great avenues to these two sources of national wealth were opened to all the nations of Europe, and when they

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hastened successively to reclaim their share, that of the Americans diminished as rapidly as it had increased.' p. 15.

'The disappearance of specie, the invariable consequence of too great an emission of paper money, the general distrust, the simultaneous stagnation in all branches of industry, the depreciation of every species of property, the reduction of salaries, were all the bitter fruits of unsuccessful and inordinate speculation, by which it was attempted to replace commerce in its former prosperous condition. Having made enormous fortunes during the space of about a quarter of a century, either by the coasting trade or by other commercial enterprises, the inhabitants of the United States persuaded themselves that this state of things would last forever; and when the pacification of Europe restored commerce to its natural channels, the thirst after gain and the want of luxury had made too great progress, not to cloud the councils of prudence in the minds of the merchants.

'Such is, even at this moment, the internal condition of that country. A general depression is felt throughout the populous cities on the shores of the Atlantic, as well as in the rising towns on the banks of Ohio and Mississippi. Every where is heard the complaint of the hardness of the times, the depreciation of property, and the low price of the produce of the soil.

'But this state of suffering and depression cannot be otherwise than temporary, since all the natural means of prosperity which result from local circumstances, such as the extent of territory, the richness and variety of its productions, the advantages of geographical position, possessed by the United States in an eminent degree, remain untouched. When the effects of a sudden transition from war to peace shall have ceased to operate throughout all the countries of the civilized world; when commerce and general industry shall have found their natural level; the part to be acted by the UnitedStates will be sufficiently important to assure them a distinguished rank among commercial nations, and to afford every requisite encouragement to her domestic agriculture.' pp. 17, 18.

We cannot forbear adding here to our author's remarks, that in fact the staple commodities of our country have for the most part been disposed of with such facility, that our agriculturists have never tasked their invention in the introduction of new articles of husbandry, and seldom made experiments on the various capacity of our soil. Political events, however, will hardly ever again concur in a way so favorable to our commerce, and the effect of a general pacification of Europe must always be sensibly felt by our agriculture; circumstances which, while they may lead us to congratulate ourselves on the extent of our domain,

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and the variety of products which it insures to us, should induce us to draw from these untried sources, and promote a wide system of domestic exchange. The commercial importance, and the commercial independence, too, of the United States, are, indeed, founded on circumstances, whose results are constant and inevitable; for they occupy a large space in climates in which the most precious commodities of trade are indigenous, or may be easily naturalized, and are inhabited by a population, whose enterprise is not merely the result of temporary success, but must for ever be fostered by the nature of their institutions.

But while we have been indebted, we doubt not, to our peculiar institutions for a large part of our national prosperity, it is a question full of interest, on the other hand, in what degree we owe to this general prosperity the fortunate operation of our polity, and how it would withstand the encounter of less propitious circumstances. On this subject the tone of our author is not very confident; but on this, and some other defects, which he thinks he detects in our system of government, let him speak for himself.

'Viewed at a distance, this constellation of republics pleases the eye and satisfies the mind; the principles on which they are *based* [?], reflect honor upon humanity; the apparent effects of these popular forms of government, present the image of happiness and contentment; but as soon as you examine them more closely, you discover serious imperfections, and even anomalies. In watching over individual rights thus tenderly, justice is rendered incompetent to the suppression of many offences committed in the daily transactions of life. Without being very important in themselves, they nevertheless affect public order and tranquillity; a well organized police, a thing incompatible with American institutions, could easily, at least in a considerable degree, have prevented their occurrence. In guarding against the abuse of executive power, they have made it incapable of fulfilling the obligations they have imposed upon it, whether it concerns the conduct of the foreign relations of the country, or those of the confederated states among themselves. In their anxiety to restrict the expenses of government, they have excluded from public employment men of education and talents; for it is certain, and all those who have sojourned any time in the United States will concur in the opinion, that a seat in Congress is little sought after by lawyers and physicians in possession of an extensive practice.*

* 'These observations should be taken in a limited sense, that is

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'This is not, however, the place to enter into a critical examination of popular governments. Like every other work of man, it bears the stamp of imperfection. But if, as the author believes, limited and constitutional monarchies better guarantee individual safety and public tranquillity than democratical states; yet it is certain, at least, that the latter are the most economical form of government that can be adopted; and whatever we may think of it in other respects, this must be admitted to be a very important advantage in a country which, meteor like, is just bursting from obscurity.' pp. 39–41.

'After all, the institutions of which they seem so proud, having as yet stood the test of but forty years' experience, cannot be regarded as having been submitted to a conclusive experiment. They have yet to pass through the ordeal of the immediate vicinity of a great power like that of Mexico, when this kingdom, after having entirely severed its political ties with Spain, shall be permanently erected into an independent state, either in the form of a constitutional monarchy, or an indivisible republic. The first effect of this change of character on the United States, would be to create an absolute necessity for a considerable increase of their regular army, and thereby of the influence of the federal government.' p. 42.

Of course we do not give our assent to all the opinions which these passages contain. It is true that the experiment of our policy is not yet complete and conclusive; but if its defects are not all yet brought to light, so neither are its virtues; if time, as we doubt not, shall expose the principles which tend to dissolution or decay, it will also, we hope, [illegible] others, which are, so to speak, preservative and curative. [illegible] much there is in its favor, that it seems intrinsically rational and just, and may be expected, as in other cases where the fundamental principle is right, to surmount, as occasion may present them, the partial or temporary obstacles, which all systems of human government are liable to encounter. It were uncandid to deny, that the quiet operation of our government, a government whose hand, as has been often remarked, is hardly discernible among its citizens, may be imputable, in a good degree, to the general facility of subsistence. But so, too, it were unreasonable to suppose, that

to say, as applicable to all democratical governments. To prevent any misunderstanding on this point, the author does not hesitate to declare it as his conviction, that a republican government alone suits the United States in their present situation, and is the only one which could subsist in that country.'

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institutions, looking at once to the interests of the people and to the diffusion among them, by education, of a just sense of those interests, will not find, in their attachment, the palliation or cure of defects which may be peculiar to them. Under these impressions, we can neither feel much alarm, from the proximity of Mexico, nor allow that our republican system recommends itself most powerfully by its small expenditure, nor agree 'that a well organized police is a thing incompatible with American institutions.' We would set the good order of New England, the spot in which our republican institutions exert, according to our author, their greatest force, in competition with that of any country in the world.

The following passages are devoted to a portraiture of our manners.

'To a traveller, however little accustomed to observe what is passing around him, the interior of the United States offers, undeniably, a most interesting spectacle. On leaving the maritime cities, where all the conveniences of life have been carried to a high degree of refinement, he sees them insensibly diminish, and civilization grow fainter and fainter, in proportion as he advances westward.

'After having left splendid and prosperous cities, and travelled for some time, he arrives at regions where the footsteps of the first civilized settlers (if I may be allowed the expression) are yet imprinted on the soil. At length he finds himself in the depths of forests, until then, visited only by Indian hunters, and among whom, at long intervals of space, he here and there recognises colonists, but lately arrived with their families, who have no other dwellings than their waggons, and scarcely any other food than the salt provisions they brought with them. Thus, in travelling through the interior of the United States, in the course of a few weeks, you may ascend and descend the scale of civilization.

'The English character may be distinctly seen in all the customs of the inhabitants of that country. The construction of their houses, their dress, food, and even amusements are the same as in England, excepting those stronger or weaker shades of difference, which local circumstances and the nature of a government purely democratical, necessarily impress on the character and habits of the North Americans. To these natural affinities, we may add the identity of language, the influence of which is more felt than that of any other; and we may then easily understand, how the moral sympathies prevail over the political antipathies which exist, in a signal degree, between England and the

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United States. England is not generally beloved by the people of the United States; yet the English are better received than any other foreigners, especially when they bring with them the air and manner which characterize a good education. Among the shades of difference between the English and American manners, the first which strikes the eye is a comparative want of cleanliness in the latter. This deficiency arises from various local causes.

'In the northern, middle, and western states, where the influence of slavery is but faintly visible, the dearness of every species of labor affecting all domestic services, renders them sometimes insufficient for the maintenance of great cleanliness in the interior of the houses. Wherever the law sanctions or even tolerates slavery, uncleanliness is in some measure incurable, because it is the inevitable result of that social disease. What traveller in passing through the American colonies, has not felt surprised at the difference, in point of cleanliness, between those states in which slavery exists, and those in which it is abolished. It might be said that in the former, the blacks, who execute all domestic services, communicate their color to everything they touch.

'However, it is proper to observe that the preceding remarks apply particularly to inns, taverns, and other public places which are most apt to attract the notice of a traveller. For the houses of the better classes of society, not only in the maritime cities, but also in the interior of the country, exhibit a degree of cleanliness which scarcely leaves anything to be desired. In the eastern and in some parts of the middle states, even the laboring classes are so remarkable for their cleanliness, that we should seek in vain for the same degree in more than one country of Europe.

'The daily dress of the Americans differs also from that of the English in being less neat. The Americans are too much occupied with their business, which, in consequence of the dearness of labour and the value of time, would be deranged by neglect, to permit them to devote the same degree of attention to the toilet as is customary in England. It is for the same reason, that they do every thing in a hurry, even to eating their meals, which, under different names, they take four times a day. When Sunday comes to suspend the general bustle, the streets of the large cities and public places, are filled with loungers, who pass their time in gazing at passengers, to whom they invariably communicate the *ennui* with which they themselves are oppressed.

'The rudiments of knowledge being very generally diffused throughout the United States, it is not usual to meet, even in the laboring class, with persons who are ignorant of reading, writing, and

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arithmetic. English travellers acknowledge that their language, as it is spoken by the generality of the inhabitants of the United States, is purer and more correct than in the mother country, where each province, or in other words county, differs from the rest by its peculiar dialect. But if, after having made this concession, we proceed to the examination of the state of the arts and sciences, at the first glance we discover, that as regards them, the country is still far behind Europe. The price of labor and time concur in producing such a result. This assertion requires explanation. We know that the population of the United States, since the period of their independence, has constantly increased, in a proportion almost unexampled. But the extension of their territory has advanced in a still more rapid progression; to be convinced of which, it is only necessary to consult the map of the United States, such as they were in 1783, and afterwards that which has just been published for the use of schools. The first effect of so vast an accession of territory, has been the dispersion of a number of men over an immense surface.' pp. 110—115.

'In those states of the union, in which negro slavery is sanctioned by law, and where consequently all labor is performed by that heterogeneous race, we frequently find, among the opulent planters, men accomplished in education and manners. We can account for this circumstance by remarking, that these planters, relieved by their slaves from all the grosser details of rural and domestic economy, have more leisure to devote to the study of the useful and ornamental sciences, than the citizens of states in which slavery does not exist. Besides, they associate among themselves exclusively, entirely separate from the negroes, who, from this very fact, are assimilated to other domestic animals; although in Virginia, South Carolina, and some other states, the proportion of blacks amounts to one half the population, and in Louisiana to even more. In this way, the rich living among themselves, reciprocally improve each other in civilization; whilst elsewhere the whole population, or at least the great majority of it, being composed of free citizens, the relations between the rich and poor are materially modified by a spirit of equality, and the continual tendency of property to subdivision. If this tendency exist likewise in states tolerating slavery, at least property is retained in the same class; whilst elsewhere it is distributed throughout all ranks of society. But this advantage enjoyed by the southern planters, is almost counterbalanced by the moral influence of slavery over those who profit by it. pp. 119, 120.

With the estimate of our manners contained in these extracts we are disposed to find little fault. As Americans, we cannot

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hear without anxiety what, by the way, is said sometimes at home as well as abroad, that our laws of descent, by which, among other means, we have sought to fortify our republican scheme, are in a fair course to sweep off the whole race of gentlemen; and, as lovers of mankind, we are loath to admit that cultivation and good manners, though they may be and are found in the proprietors of slaves, are the proper fruit of slavery. Much more sound, and accordant with experience, seems the sentiment elsewhere advanced by the author, and judiciously supported by his annotator, that from such a state of things they must 'contract habits of indolence and effeminacy, which will exert a pernicious influence on their moral and physical faculties.' As to leisure, afforded by large hereditary estates, it is egregiously apt to be abused. Primogeniture, if we may believe the wits of England, though they for the most part, it must be owned, have been younger brothers, has never been upheld there on the score of its great tendency to augment the ranks of letters. Yet the aristocracy of England is the best in the world, thanks to the competition of a powerful and intelligent Commons.

The following passage will be pronounced a very melancholy one by our countrywomen.

'The beauty of the women of the United States, is generally acknowledged. But it is of so frail and transient a character, that a sentiment of compassion immediately mingles itself with the pleasure you experience in beholding the young and numerous American beauties, who assemble together in their evening entertainments. You involuntarily compare them to delicate flowers that wither before the slightest breath of a northern wind. The frequent changes in the temperature of the air which distinguish the climate of the United States, exert a fatal influence on the health of the inhabitants and the beauty of the women. pp. 129, 130.

We might add much to lighten the shades of this picture, but our disquisitions have exceeded the limits we intended, and they shall be closed after only one more remark. In our country all is yet new and in progress; nothing has received its finish; neither its moral nor physical developement is complete; and the theorist can only pronounce, that thus far it has, in an admirable degree, subserved the substantial ends of human society. But as yet we have fairly proved neither the productive power of the soil, nor the auspiciousness of the climate to human life, nor the capacity of the country for commerce. Neither have

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we yet seen the full play of the political machine, nor its whole effect on manners and society. Nor have we modified the habits, manners, and tastes received from our ancestors, so as to adapt them in all respects to the climate we have found, or the polity we have established. In our turn of thought and prevailing opinions may yet be found something of the English leaven, even, sometimes, when it contravenes our own institutions; as in our habitations, our dress, and many other physical circumstances, there is yet a spice of English taste, not always very suitable to our local condition.

The translation of this work is executed with ease and spirit, and with a discernible and very proper adherence to the style of the original, which is, however, not exactly the French of a Frenchman. To this adherence to the original may be attributed a few Gallicisms here and there. Some errors of haste are also observable both in the translation and in the typography; and as haste is hardly a legitimate excuse for errors in the eyes of reviewers, we hope there may be an opportunity for correcting them in a second edition. The notes appended are respectable, and, besides some corrections of the author's mistakes, contain judicious reflections. On the whole it is a modest and sensible book, which its translator has given to us in an agreeable style; and which we hope will be read, if it be only to see with what candor and discretion the subject of a despotic prince can speak of a republic and its institutions.

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Art. XII.—CRITICAL NOTICES.

1.—*Oration pronounced before the Citizens of Providence, on the 4th of July, 1826, being the Fiftieth Anniversary of American Independence.* By William Hunter. Providence. 8vo. pp. 46.

Orations, addresses, eulogies, and the like, come upon us so thickly, that we find it impossible to do them any justice, within the compass prescribed to us, either by a formal criticism, or general notice. The number of pamphlets of this description, which have been laid on our table during the last quarter, if brought under review in detail, would afford matter more than enough to fill up the entire pages of our journal. This multiplicity renders a selection, which shall do equal justice to all, by no means easy, even if we had much more room to spare, than our accustomed limits will allow. We hope this will be a sufficient apology to publishers and authors, for not acknowledging their liberality in supplying us with works of this kind, in a more substantial manner, than merely inserting their titles in our list of new publications. From the nature of our work, which is meant to contain, not a review of books only, but discussions of interesting and important topics, we can rarely do more than this with the mass of new books. The American press is becoming so fruitful, that a short notice of every work would so much encumber our pages, as to leave little or no room for the execution of its main purpose, and we must be contented with making what we deem the less sacrifice. It is our aim, however, to bring before the public whatever is most valuable, and most worthy of observation, in the literary as well as the political progress of the country. But, as we cannot do everything, we are fully sensible that our judgment may not always guide us to do what is best, and herein we claim as much indulgence, as the good nature of our readers shall incline them to think we deserve, and no more.

We call attention to Mr Hunter's oration, chiefly to bring out a few historical facts, which the author has interwoven with his discourse, relating to the State of Rhode Island. Beginning with the first planting of the colony, he observes,

'Roger Williams, the founder of Providence Plantations, the learned and popular divine of Salem, insisted for freedom of conscience in worship, even "to Papists and Arminians;" with security of civil peace. He was banished in 1634–5, as a dis-

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turber of the peace of the church and commonwealth. You know the rest— I dare not dilate upon it. The water of that spring near which he took refuge, overlooked from the neighboring hills by armed, but to him harmless savages, ought to be on this day the exhilarating beverage of his descendants—more exhilarating and heartcheering "than costliest wines of Chios or of Crete." Mrs Hutcheson, who, as Cotton says, "was once beloved, and all the faithful embraced her conference, and blessed God for her fruitful discourses," with Coddington, and all her train of Antinomians, were disfranchised and banished, and in their place of refuge, the great island of Adquidneck, Rhode Island, passed in solemn resolve, the earliest and the most strenuous declaration of the principles of perfect freedom in religious concernments, the world had ever known. The third and last, but not less interesting foundation by these primary associations that formed this state, all proceeding from the same persecution, and the same manful opposition, was the settlement of the Gortonists, on lands purchased of Shaw Omet, the Sachem of the Narragansetts. These are the men of Kent, the settlers of the town of Warwick.

'If ever there was a complete and victorious vindication against the sarcasm, that our ancestors were so barbarous, as not to be capable of good sense and good English, it is furnished by the paper issued by the owners and inhabitants of Shaw Omet, dated 28th October, 1643. This paper was addressed to certain men styled Commissioners, sent from the Massachusetts, supported by an armed force, whose names, they say in contemptuous defiance, —"we know not." That paper is heroic, and Homeric; Demosthenian, but superior to Demosthenes. "If you come," say they, "to treat with us in the ways of equity and peace, together therewith, shaking a rod over our heads, in a band of soldiers; be assured that we have passed our childhood in that point, and are under the commission of the great God, not to be children in understanding, neither in courage, but to acquit ourselves like men. We strictly charge you hereby, that you set not a foot upon our lands, in any hostile way, but upon your perils; and that, if any blood be shed, upon your heads shall it be. And know, that if you set an army of men upon any part of our land, contrary to our just prohibition therein, we are under command, and have our commission sealed, all ready to resist you unto death. For this is the law of our God, by whom we stand, which is written in all men's hearts, that, if ye spread a table before us as friends, we sit not as men invective, envious, or malcontent, not touching a morsel, nor looking from you, who point us unto our dish, but we eat with you, by virtue of the unfeigned law of relations, not only to satisfy our stomachs, but to increase friend-

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ship and love, the end of feastings. So also, if you visit us as combatants, or warriors, by the same law of relations we will resist you unto death." But their courage could not save them from overwhelming force, preceded, however, by the basest treachery. Gorton, and his associates, Green, Holden, and others, were imprisoned; and Gorton was condemned as a blasphemous enemy of the true religion and its ordinances, adjudged to be confined and set to work, and to bear such bolts as may hinder his escape during the pleasure of the Court; but should he break his confinement, then to suffer death.' pp. 21—24.

Again;

'The charter ultimately procured by the talents, address, and good fortune of Clark, under the form of a corporation, has all the essentials of a well tempered democracy. The king, after he granted it, virtually excluded himself from any interference with it. He had no viceroy, he had no *veto* on the laws of the colony. We endured not his actual or constructive presence. We felt his power hardly at all, his influence rarely, but always benignantly and beneficially. In the first session of the Assembly under that charter, and indeed before it had passed through all the ceremonies of a royal grant, we anticipated and settled that topic of controversy, which a century afterwards convulsed the world. In March, 1663, in an act for declaring the privileges of his majesty's subjects, it was enacted "that no tax shall be imposed or required of the colonies, but by the act of the General Assembly." When Andros, under the commission of James II, called for the surrender of our charter, we did not surrender it. Though we bent before the storm, we did not break down under it. We preserved the charter as the talisman of our being, the palladium of our rights, the idol of our affections. Awaiting the revolution of 1688, we temporized, and though the charter had been, so far as irregular power could do it, annulled, after that glorious event, viz. the revolution of 1688, we went on acting under it, without clamor or apology, as unharmed and unforfeited. When the mother country was in the right, or we thought it so, nothing could surpass the energy and enthusiasm of our patriotism. Under the fascinating influence of the administration of the elder Pitt, we sent five hundred men into the Canadian expedition.' pp. 28, 29.

The following events show the determined and noble spirit of the people of Rhode Island, in resisting the first symptoms of British aggression, which hastened the revolution. It will doubtless be thought, that Mr Hunter a little overrates the importance of these events; but the lofty feeling of patriotism and self respect which prompted them, can never be estimated too highly.

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'Before the enactment, or during the negligent enforcement of the English Laws of Trade, we grew up with prodigious thriftiness. The new system adopted after the peace of 1763, not only checked our commerce, but indicated a systematic design of oppression. Of this design, we had an intuitive conception, and to it an invincible repugnance. It has lately, not two months ago, been stated by a British minister in the House of Commons, "that however the attempt at taxation might be viewed as the immediate cause of the American explosion, yet the train had been long laid, in the severe and unbending efforts of England to extend more rigorously than ever the Laws of Trade." "Every little case," he says, "that was brought before the Board of Trade, was treated with the utmost severity." * The two really great cases that occurred, originated here. The first was the attack at Newport, on the 17th of June, 1769, of the armed revenue sloop, Liberty, whose captain had been guilty of some oppressions and enormities. She was attacked by a band of unknown people, who cut her cables, let her drive on shore on the point, where they cut away her masts, scuttled her, carried both her boats to the recently planted liberty tree, at the upper end of the town, and burnt them. The second was the affair of the Gaspee, on the 9th of June, 1772. The first blood that was shed in the revolutionary contest, by that very act begun, stained her deck, and it was drawn by a Rhode Island hand. Yes, the blood of Lieutenant Duddington was the first blood drawn in the American cause. The scene of the transaction is within our view, and you have now in this assembly four of the lads, now veterans, who were zealous and foremost partizans, on that brave occasion. How powerfully permanent is the effect of early principle and habit, how indestructible the cast of original character! How true it is, that "as the twig is bent, the tree inclines." From all I know of these gentlemen, and I have known a good deal—from all their merits and their peculiarities, I should have said, that these were the men, that were engaged in that enterprise. They are they, who on the proposition of their patriotic leader, John Brown, exclaimed, "We are the boys that can do it."' pp. 30—32.

The same spirit was kept alive, till the revolutionary contest became general, as will be seen by the following statement.

'In 1774 you did an act, if possible, more positive, daring, and decisive, more unequivocally indicative of your warlike spirit, and your determination to be independent. You rose, as the British lawyers said, from common felony to high and atrocious treason.

* 'Huskisson's Speech, 12th of May last.'

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As soon as the proclamation, prohibiting the importation of arms from England, was known here, you dismantled the king's fort at Newport, and took possession of forty pieces of cannon. All our leading men, not only had at heart, but avowed the same sentiment as that contained in General Greene's letter to Governor Ward, then a member of the first Congress, dated on the 4th of June, 1775, at the camp on Prospect Hill. "Permit me," says he then, "to recommend from the sincerity of my heart, ready at all times to bleed in my country's cause, a declaration of independence, and call upon the world and the great God who governs it, to witness the propriety and rectitude thereof." We anticipated Congress in the declaration of Independence; for, by a solemn act of our General Assembly, we dissolved all connexion with Great Britain, in the May previous. We withdrew our allegiance from the king, and renounced his government forever, and, in a declaration of Independence, we put down in a condensed, logical statement, our unanswerable reasons for so doing.' pp. 35, 36.

There are two or three of General Greene's letters in existence, in which he urged the declaration of Independence more than a year before that measure was resorted to by the Congress. To Rhode Island, it would seem, is due the credit of the first formal declaration by any colony; although South Carolina had two months before formed a new constitution, and instituted an independent government, which, after all, was perhaps as strong a declaration of independence as could be made. Virginia did the same in May, about the time of the Rhode Island declaration. But, in recurring to this subject, we must not forget the Mecklenburgh declaration of independence in North Carolina, made in a solemn manner on the nineteenth of May, 1775, a year before that of Rhode Island. This event is as well authenticated, as any in the revolutionary history. We have examined the subject in another place. *See Vol. XII. p. 35, for January* 1821.

We take the liberty of correcting a slight error, into which the author has fallen, in a matter of some importance. Speaking of the religious freedom early enjoyed in Rhode Island, as established by Roger Williams, he says, 'Your ancestors announced this opinion, and enjoyed its legal exercise, long before the able and amiable Roman Catholic, Lord Baltimore, adopted and enforced it.' But it happens, that Lord Baltimore settled his colony in Maryland, in 1634, the very year in which Roger Williams was banished from Salem. Religious freedom was a first principle with Lord Baltimore from the beginning of his settlement. It cannot be said, therefore, that Rhode Island enjoyed this privilege *long before* Maryland. We have expressed

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our opinion on a former occasion [*Vol. XX. p.* 102.], and we still believe it true, that the *first legislative act* in favor of unlimited toleration, which is recorded of any government, was passed by the Roman Catholic colony of Maryland.

We have not taken up Mr Hunter's Oration for the purpose of criticism, yet one or two remarks are demanded from us on this subject. With a good deal of vigor of thought, a rapid style of composition, and a high tone of patriotic feeling, there are some faults of language and rhetoric, which ought not to be passed over. You will find, for instance, such words as *rationalize, stabilitated, inobstructible, insurgency, violative.* Some of the author's metaphors are strained in no ordinary degree. He tells us, that the Rhode Islander, in the enjoyment of his religious liberty, 'may drink the waters of life, in rude simplicity, from the palm of his hand, from the crystal cup of reformed episcopacy, or from the embossed and enchased golden chalice of papal gorgeousness.' Again, Rhode Island 'is like the fabled sea nymph, described in the Grecian Anthology, and depicted on antique gems and cameos, of exquisite exility of form, but whose long, slender, and streamy arms embrace, in their graceful fold, a hundred other islands and shores.' Once more, a certain operation of the mind 'sublimates imagination to evanescence.' Few other passages are so extravagant as these, yet there are many examples of loose expressions, and an indefinite use of language, which should not have escaped an accurate writer.

2.—*The Ohio Gazetteer, or Topographical Dictionary, containing a Description of the several Counties, Towns, Villages, Settlements, Roads, Rivers, Lakes, Springs, Mines, &c. in the State of Ohio; alphabetically arranged.* By John Kilbourn. Eighth edition, carefully revised and corrected. Columbus, Ohio. 12mo. pp. 231.

The progress of the states of the West, in population, wealth, and improvement, is so rapid, as not only to defy political calculation, and set at nought all former precedent, but also to outstrip the geographer in his greatest speed. The tide is so strong and incessant, that the change is perpetual, and what is true to day will be doubtful tomorrow, and entirely false in a week to come. To no state does this remark apply more strikingly, than to Ohio, the astonishing growth of which, within the last thirty years, would have seemed a miracle at any former age of the world. Within the memory of thousands now living, Ohio was a wilderness, the abode only of savages and wild beasts; it now contains

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more than half a million of inhabitants, who exhibit evidences of improvement, and are prosecuting schemes of enterprise, that would do credit to the oldest nations. Indeed, the great canal now in execution, connecting the Ohio river with Lake Erie, and running a distance of more than three hundred miles, is a work of which Europe might justly boast. Civil institutions, agriculture, manufactures, and all the resources of power and wealth, advance in the same rapid ratio. Seven colleges and about fifteen academies, have been established by charter in Ohio. Common schools are numerous, and are multiplying continually. About two years ago a law was passed, instituting a uniform system of common schools throughout the state.

The Ohio legislature consists of a senate and house of representatives, the members of which are chosen in districts according to the population. By the constitution the number of senators can never be over *thirtysix;* nor that of the representatives over *seventytwo.* There is a peculiar feature in the legislative authority, applicable, we presume, to very few of the states. The general assembly has the sole power of passing laws, the signature of the governor being in no case necessary. The judges are chosen by the legislature for seven years; the justices of the peace are chosen for three years by the people of each township.

If success is a proof of merit, Mr Kilbourn's work demands praise. We have the eighth edition before us. His plan is simple, and well adapted to his purpose. The towns, counties, rivers, and remarkable places, are arranged in alphabetical order, with such remarks attached to each, as its importance would seem to require. The number of inhabitants in the several townships, and the distances between the principal towns, are carefully noted. In short, all the geographical and statistical knowledge usually found in gazetteers, has evidently been collected with great industry by the author, and exhibited in a manner at once perspicuous and satisfactory. He gives some curious particulars respecting the ancient mounds and fortifications in Ohio.

But nothing has struck us as more odd, in looking through the book, than the number of places of the same name. We will add here a few examples. The name of Bloomfield, as given to a county and towns, occurs *five* times; Canaan, *four;* Center, *five;* Clinton, *seven;* Concord, *eight;* Fairfield, *nine;* German, *five;* Franklin, *sixteen;* Green, *eighteen;* Harrison, *sixteen;* Jackson, *eighteen;* Knox, *five;* Jefferson, *eighteen;* Liberty, *eleven;* Madison, *nineteen;* Milford, *six;* Monroe, *twenty;* Orange, *six;* Oxford, *seven;* Perry, *fifteen;* Pike, *nine;* Pleasant, *seven;* Richland, *ten;* Salem, *thirteen;* Springfield, *thirteen;* Troy, *six;* Union, *twentyseven;* Washington, *twentytwo;*

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Wayne, *twenty*. And this is not all; the changes are rung on almost every name with the suffixes *ville, field, burgh*, and others. Thus we have *Waynesville Waynesburgh, Waynesfield; Jacksonville, Jacksonburgh; Franklinton.* And then comes the prefix *New*, as *New Liberty, New Madison, New Salem.* A more deplorable confusion of names could hardly be imagined. It not unfrequently happens, indeed, that two adjoining counties have each a town of the same name, and bordering upon the same line; thus, you have but a single step to take from *Madison* in Franklin county to *Madison* in Pickaway county, these two towns being separated only by a line; and so of others. The legislature of Ohio could not do a wiser thing, than to appoint a committee of ingenious men to devise as many distinct names, as there are separate towns in the state, and then to let them be assigned by lot. This would require no great stretch of invention on the part of the said committee, and the benefit hereafter would be incalculable.

3.—*The Harvest Festival, with other Poems.* By F. S. H. 18mo. pp. 79. Boston. True & Greene.

Notwithstanding the weeds sprinkled amongst these flowers, and notwithstanding an unnatural and inexcusable contempt, which the author entertains for a most laudable, painstaking, and responsible class of individuals, *videlicet*, reviewers, which we regret to perceive, but which time will doubtless correct in a young man; notwithstanding these things, we say, he so combines a flow of numbers, often melodious, and a luxuriance of fancy, elegant though unpruned, with a delicate perception of whatever is beautiful in nature, that we cannot but hail him, as one of that favored, but melancholy brotherhood, whose aspirations are 'beyond the visible diurnal sphere,' whose thoughts and desires do not seek the world so much, as, in his own language, they seek

> 'the melody among the leaves
> Of the green woods,'

and the brooks, as they

> 'Go murmuring on, bathing the roots of flowers,
> And making music in their fine spun threads.'

The 'Harvest Festival,' the longest poem in this collection, possesses merit, and, what is better, gives promise of dramatic excellence. Where the author intends to be familiar, his lan-

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guage is simple and colloquial, and where the subject requires it, he becomes elevated and energetic. We cannot say, however, that this poem seems to us the best specimen of his talents. From the smaller pieces, some of which are very spirited, and others of a more fanciful cast, we have selected the following verses, which struck us as very simple and pretty, and on the whole a fair instance of his skill in song writing.

'O yes! our forest home is sweet,
Its sylvan bowers I love,
'T is like some fairy's cool retreat,
Or glen where sprites might rove;—
And through the greenwood lattice streams
The starry radiance of the sky,
And on each sleeping wild flower beams
Like Love o'er Beauty's soft fring'd eye.

Then when the fresh breeze blows aside
The misty veil of morn,
And tints like blushes of a bride,
Her virgin cheek adorn,
We haste where gushing fountains play,
Or where the silver brook glides by,
And laugh the joyous hours away,
In the light of Beauty's sunny eye.' p. 34.

We might select others equally good, but must hasten to notice some short sketches, entitled 'Dreams,' in which our author, with a graphic pencil, has drawn portraits of several of the most celebrated amongst our own poets, with such force and keeping, that a glance serves to distinguish them. The following sketch of one of our sweetest bards, we like extremely.

'A little further on
There was a goodly grove, and one sat there
With brow uncover'd, and his bosom bared,
Enjoying the cool breeze that was among
"The green and stirring branches." As he look'd
Upon the scene around him—at the rocks
O'ergrown with moss—the old uprooted tree
Stretch'd o'er the brook, and at the rivulet
Leaping in gladness down the steep—his soul
Seem'd full of thankfulness to Him who made
Such quiet haunts for man. Nature, methought,
Had taught him her own mellow murmurings,
And in her language, he spake of the groves,
God's earliest temples,—of the worshippers,
That in them first bow'd down in prayer, and built
Their rustic altars, and upon them heap'd
The first fruits of the earth—and the firstborn
Of all their flocks.' pp. 64, 65.

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The concluding lines of 'Dreams,' are descriptive, and allude sadly and feelingly enough to the uncertainty of literary distinction and rewards. It is of poets he is speaking.

> 'This group seem'd numberless,—and some there were
> Who rav'd most loudly, and they swore that they
> Would heave the earth from her old resting place,
> Scoop oceans up—stop each volcano's mouth,
> And sink the mountains in some horrid cave,
> If *she* would give one smile for all their pains.
> Others were forming projects how to twist
> The moonbeams into necklaces, to deck
> Some fair one—or to rob the comet's train
> To twine *'mid her dark hair*—or cull the stars
> For spangles to her girdle—or to bring
> The breezes of Arabia, to perfume
> Her bower;—and one had made a vow
> To mount astride the billows, when the storm
> Was heaving them to heaven, and tear away
> The broad, blue curtain of the sky, because
> Its color rivall'd his fair Delia's eye.
> And when at length a flashing crown was hung
> Far in the distance, every eye was turn'd,
> And firm intent to win it, seem'd t' impress
> Each mind. But a low breathing in the air,
> Unheard by them, came o'er my list'ning ear;
> *Ye seek the wreath of Fame;—toil on—toil on;*
> *When ye are low, perhaps they 'll bring its flowers,*
> *And strew them carelessly upon your graves.'*

Aristotle says somewhere, that 'all men of parts are melancholy.' Poets, indeed are proverbially sad, and eminent writers have said much to prove this temperament constitutional. We are half inclined to believe it is so. The poet's feelings are deeper than other men's. His associations are wider; the rich glow of a summer evening, beautiful in the sight of all, and pregnant with pleasureable emotion to most, may be to him a fruitful source of tears; the mountain crag, and the sublime but dreary scenery of nature, may perhaps bring him back to the wild and desolate waste of his own mind. Yet may his heart be pure and childlike, and his thoughts innocent; for imagination will sometimes rear ruinous fabrics, amidst scenes of fertile and cultivated luxuriance. Unwilling, indeed, should we be to think, that this was the tendency of our author's mind, and yet some of his finest productions are shaded by a tinge of melancholy.

We might, were we so disposed, detect errors in this volume, of false rhyme and quantity,

> As where 's that palace whereinto foul things
> Sometimes intrude not?

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Some of these are evidently typographical, others quite as clearly result from the author's own carelessness. The following line does not contain syllables enough,

'The gigantic rocks that look as firm;'

and in this,

'The green luxuriance of Spring sparkled,'

the measure requires the accent to bear on the last rather than the first syllable of the concluding word.

With these remarks we must dismiss the volume, pleased with our author's first attempt and glad to say to him, *Macte virtute.*

4.—*A Chronological History of New England, in the form of Annals; being a summary and exact Account of the most material Transactions and Occurrences relating to this Country, in the Order of Time wherein they happened; with an Introduction containing a brief Epitome of the most considerable Transactions and Events abroad, from the Creation.* By Thomas Prince, M. A. Boston, 1736. A new edition. 1826. Cummings, Hilliard, & Co. 8vo. pp. 439.

This very elaborate and useful history is now for the first time published in a uniform edition. It was the misfortune of the learned author to live at a period, when the country was too poor, and the patronage bestowed on literary labors too limited, to enable him to proceed in the publication according to his original design. The first volume, was published, in duodecimo, in the year 1736, embracing what is contained in the first three hundred and sixteen pages of the present volume. It is much to be regretted that the sale of the volume was not sufficient to encourage him to proceed immediately in the work. For want of due encouragement, it was delayed for nearly twenty years, when, in 1755, three pamphlet numbers, of thirtytwo pages each, appeared, in continuation of the work. In 1758 the author died, leaving the work unfinished.

The Reverend Thomas Prince was a native of Middleborough, in the County of Plymouth, and was graduated at Harvard College in 1707. His curiosity was early excited to inquire minutely into the history of the country; and before he left college he had begun to form a collection of all such books, pamphlets, and manuscripts, coming within his reach, as tended to illustrate the object of his research. He afterwards travelled several years in Europe, during which time he prosecuted his favorite inquiry,

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and greatly enriched his collection of books relating to American history. Everywhere, he says, he found the want of a regular history of this country complained of, and he was often moved to undertake to supply it. Soon after his return to this country, in 1718, he was settled as pastor of the Old South Church in Boston, in which situation he found no leisure, for a number of years, for the undertaking. He continued, however, his care in collecting materials for a New England history, and was at length induced, by the urgent solicitations of those who were acquainted with his eminent qualifications for the task, to undertake the present work. Having formed this design, to add to the stock of his materials, all the ministers throughout the country were requested to furnish him with such information as would aid his undertaking. The materials thus collected, added to his precious stock, formed what he denominated a 'New England Library.' This valuable library, with the exception of some material dilapidations which it suffered during the revolutionary war, is still extant, and by the liberality of the proprietors of the Old South Church, is now mostly deposited in the library of the Historical Society.

It has generally been considered a matter of regret that Dr Prince prefixed to his 'New England Annals,' a long and elaborate Introduction, consisting of a chronological record of remarkable events from the creation to the settlement of this country. This portion of his work, though the fruit of vast labor, and careful research, and for many purposes highly valuable, seems to be here misplaced, and however highly we might be disposed to value it, we could not avoid the reflection that the peculiar talents of the author would have been much more profitably employed on that part of the work which was embraced in his original design. This Introduction, most of which is in a tabular form, is, in the present edition, judiciously printed in a small type, and thus compressed within a comparatively small space.

Of the 'New England Chronology,' so far as it extends there has been no difference of opinion. It is distinguished for its accuracy and extreme caution. It contains, within the period embraced in it, almost every thing that later research has been able to discover, and in a form which enables the reader to judge of the authenticity of every statement. Almost the only regret is, that it comes to so premature a close. For the narrative of events which led to the emigration of the first settlers of New England, from 1603 to 1620, and for a minute history of the first settlement of the Plymouth and Massachusetts colonies, to the year 1633, it may be confidently consulted, not only as the most complete and satisfactory work, but as containing almost everything that is extant, arranged in chronological order, with the

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authority uniformly cited, and generally in the words of the original narrator. It is therefore a work of the greatest utility, and almost necessary to one who would form an intimate acquaintance with the history of the first planting of New England.

A new edition has long been wanted, as the old one was no where to be purchased, and was only to be found in old libraries. The editor of the present edition, besides adopting a more modern and uniform orthography, and introducing in their proper places the additions and corrections made by the author at the end of each part of the original publication, has adopted a more intelligible mode of referring to the authorities quoted, and has added a few explanatory notes. Every public library in the country ought to be furnished with a copy of this work.

5.—*Summary of the Practical Principles of Political Economy, with Observations on Smith's Wealth of Nations, and Say's Political Economy.* By A Friend of Domestic Industry. Cambridge. Hilliard & Metcalf. 8vo. pp. 88.

As we have not room to examine this work in detail, we shall do no more than give our impressions of its character in a few words. The first part, called a 'Summary,' consists of a series of brief maxims, or principles, on the various topics of political economy, methodically arranged. The second part is made up of criticisms on some of the opinions of Adam Smith, and of Say. The *principles* show an acute mind, quick in research and decision; they are sometimes sound and pithy; but, as far as we understand the subject, they are often of dubious import, and very often entirely erroneous. Precipitancy, imperfect examination, and a proneness to decide on first impressions, we fear have in too many cases led the author astray. We know of no science requiring more patient investigation, than the one which is here briefly dispatched in a series of aphorisms. It is a science involving all the relations of political and social life, and has proved itself too much for the grasp of many of the first order of minds, after years of laborious study and inquiry. It is not surprising, therefore, that our author should fall into many mistakes, in attempting to comprise the whole in so short and hasty a sketch; and that, too, with some professions of originality and new illustrations. Such an undertaking would have appalled most men, and the courage, which, in defiance of such obstacles, has prompted this attempt, may demand our praise even in its failure.

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The criticisms on Adam Smith and Say, which constitute the second part of the work, are not altogether to our liking. We agree with our author in some of his objections to the doctrines of those great leaders in the science; in a few cases, he has detected these with discrimination, and exposed them with force; in others, he has called up old objections and confuted them in the old way; in others still, he imagines them to exist where few will accord to him a discovery. Adam Smith was one of the master spirits of his age, possessing a mind of extraordinary power and resources, and throwing a new and brilliant light upon every subject he touched. In such a man's opinions there may be errors, but they are not the errors of a hasty decision, or of a feeble grasp of his subject; nor are they to be confuted by a syllogism, a sentence, or a paragraph. Smith and Say have passed the ordeal of the world, not as exhibiting a new science in its perfection on the day of its birth, but as writers of very great merit on political economy, who stand indeed at the very head of the list, and whose errors, compared with the truths they enforce, are as a drop in the sea. Their faults are mere specks on the bright mirror of their fame. Let these be cleared away, but in a manner, which shall show equal respect for the judgment of mankind, in assigning to these writers so a high a rank, and for themselves as honest expounders of a system, which they believed to be true, and which they put forth the strength of their genius to develope and explain.

6.—*A Map of the New England States, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, with the Adjacent Parts of New York and Lower Canada; compiled and published by* NATHAN HALE. Boston, 1826. Engraved by J. N. N. Throop.

IN illustrating the geography of New England, nothing has recently come before the public, which can be deemed of so much importance as this map. It has been the work of several years, with all the facilities for executing such an undertaking, which could be obtained by a diligent research, and a free access to the means of knowledge. It is drawn on a scale sufficiently large to exhibit the boundaries of every town, and all the important geographical features of the country which it embraces; and the public have the surest pledge of its accuracy, not more from the known ability of the editor to execute such a work, than from the uncommon advantages, which he has possessed, in the variety and

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fulness of his materials. In addition to the best printed maps and documents, he has had access to numerous manuscript surveys and plans, and has consulted the acts of incorporation for the boundaries of towns. The principal roads are drawn with distinctness, and the villages, meeting houses, bridges, and other important objects are carefully noted. In short, no map, or series of maps, has appeared, which we can recommend with such entire confidence to all, who would obtain an accurate view of the topography of the New England states.

The engraving has been executed with great care by a skilful hand, and is neatly finished. Neither time nor pains have been spared, by the publisher and the engraver, to make the work as perfect as the nature of it would admit, and worthy of the approbation and study of such persons as seek instruction in this department of knowledge.

7.—*Hints to My Countrymen*, by an AMERICAN. New York. J. Seymour. 12mo. pp. 216.

THIS volume we have perused with satisfaction. A severe criticism would find in it some extravagances in sentiment, and some affectations in language. Trivial incidents are too often made occasions of grave remark, and the more important ones do not always sustain the tone of reflection into which they lead the author. We do not think it perfectly good taste, in a work exactly like this, to introduce names and anecdotes of distinguished living indviduals, and in the present instance we cannot but think some of the anecdotes would have better been omitted. The title indicates the character of the volume. It allows great latitude in the selection of subjects, and the author has used his privileges. In the short notice we propose to make, we shall show what seems to us to be the design of the author, and with what success this has been prosecuted.

He intends to show that a moral and instructed yeomanry are the great and stable blessings of a nation. The good they effect is their own, as well as their country's. He gives animated and very pleasing views of an enlightened industry. The country where this is cherished has a pure moral atmosphere, as well as the healthful breezes which are native to it. The mind and the body, the forests and the fields, are vigorous and luxuriant in such a country. Freedom of thought and of action will be found in it. It will favor useful learning, and produce a love for its privileges, as well as a pride in them; but if this love and this pride have

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their spring in a just sense of these privileges, they will not be thought unnatural or unamiable. It is to be feared, it perhaps should be acknowledged, that in some parts of the land, a proper feeling on this subject is not yet entertained. Our independence and equality are thought to be so exclusive of distinctions, that just claims to attentions and courtesy are not always felt or not always allowed. Travellers from abroad into our interior, have observed this, and have noticed it to our disadvantage. We occasionally feel it ourselves. Now this is not the fault of our freedom; it springs directly from a want of knowledge. You will always find, where our yeomanry most want courtesy, are least accommodating, or are most rude, that there the public provisions for education are most defective. Children grow up with little respect for their natural superiors; and have little at the disposal of the strangers whom accident may throw amongst them. There is another remark in this connexion equally true; that in such parts of the country, there is much poverty, little care about appearances, a slovenly agriculture, and much intemperance.

These are great evils in any land, they are peculiarly so in our own. We hold our blessings not by the mere freedom which we have inherited. That freedom was the growth of a fine perception of the endowments as well as rights of intelligent beings. It was an enlightened conviction that in the wide circle of creation there was nothing better, nothing so good, with which we had a direct relation, as the human mind. This power our ancestors acted upon chiefly. They built colleges and schools for its cultivation and exercise; and among their earliest foundations were our churches, in which an improved intellect was to find means and opportunity for its highest elevation. Education, moral and intellectual culture in its highest sense, was the great aim and end of our ancestors, and it was this which taught them that they were free.

We think these views very important. It was not consistent perhaps with the plan of our author, if he had any distinct plan, to allude very particularly to them. It was more grateful to him to notice their effects. We do not discredit his representations, for his travels have carried him through portions of the country in which the value of education is understood. Still it would not be just to our country, nor to ourselves, to leave it unstated, that even with us there is much that is wild and waste. The 'Book Merchant,' or traveller, whose tour makes up so much of the book, and which we think the best part of it, acknowledges, indeed, that he saw some things that did not altogether please him; but he was unwilling to mar the beautiful by sketches of the de-

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formed. This is very amiable in him, but it is wisest and best to know the whole truth about the evil. Here it is particularly so, for in our honest complacency at our truly great privileges, we are in danger of loving our faults; or, if we do not actually cherish them as parts of our privileges, we may think too little about the matter to correct them. Let it then always be understood, and let it always be stated, that the safety and happiness of this land are to be looked for solely in its provisions for education. We cannot be more free than we are; there is hence no danger here in knowledge. Our courtesy, our kindness, our whole morality, will always be in exact proportion to our moral and intellectual cultivation. All that is brought forward on this topic in this volume, and it hints much concerning it, is very interesting. It is our yeomanry, whose good and whose happiness it everywhere studies, and this, with us, has given to a hasty and temporary work, an interest we are very free to acknowledge.

We regret that the 'Book Merchant' is a foreigner, and an Englishman. We do not think a stranger, though a very shrewd observer, the best judge of either the good or the bad amongst us. Both of these are comparative everywhere. But in a country like ours, so unlike in so great a variety of particulars, and where resemblance depends on so many circumstances not very readily comprehended by a stranger, a comparison of ourselves with ourselves should, to be useful or credited, be made by the wise observer of our own land. As to comparisons with another country, even with that from which we sprung, we are very doubtful of their correctness or expediency. This is as true of men as of literature. Our literature has always suffered, because it has been so common with us to compare it with the literature, and the best too, of another country. It will be the same with our institutions, our habits, and our manners. It is with ourselves, our own minds, and all the peculiarities our institutions may and do produce, our country, and all the circumstances in which it is novel, we would say *original;* it is with these we are most deeply concerned, and it is by a study of all these that we are to find defects and remedies, an elevated morality, and a distinctive literature.

We do not, indeed, suffer in the present instance, where the comparison is between us and England, for the balance always appears in our favor. It seemed to us somewhat against the representations of the foreign literary pedlar, that he should love us so much, and his own home so little. His descriptions are exaggerated. He compares great comfort with extreme misery. In his admiration he becomes enthusiastic, and an enthusiast is not the best observer of the simple, homely scenes which it is the object of the

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author to describe. But we principally object to the 'Book Merchant,' because he seems to want sympathy with his own country. There is a depth of misery at this day in England, which perhaps that nation has never known before. There is poverty and famine there, and the cold of winter is coming to heighten a suffering, which seems, even now, to have reached its utmost limits. We should be grateful for our blessings, but there is something in the misery alluded to, which does not for a moment admit of any other feeling but sympathy.

We would not however be grave in our short notice of this useful volume. The author discovers so much true benevolence, that the good humored loquacity of his principal character should not be too gravely criticised. But the book is for our 'countrymen,' a class which, however it may have been neglected by our writers, has the strongest claims on the vigorous and best minds amongst us. What has and may be done for them in this way, will form a novel, and it may be a peculiar literature here, and we hope our author will continue his labors, and enlist kindred minds in the same good cause. We have principally noticed his work because we feel so much interest in what we regard its object; and he will not be offended by our criticism, even though it be not in its whole extent applicable to his present labors. He has given excellent sketches of our yeomanry, and we think his work cannot fail to interest and instruct them. He shows how useful education is to this great class of our community; and if he values it because it helps to make men economical, and so aids thrift, he shows that its principal agency in this way is through the better morality it produces. In this view the spirit of this little work is good, and claims for it a wide circulation.

8.—*An Address to the Whites; delivered in the First Presbyterian Church of Philadelphia, on the 26th of May*, 1826. By Elias Boudinot, a Cherokee Indian. Philadelphia. 8vo. pp. 16.

A book written by an Indian is a novelty, even in this native land of Indians. The one before us has much interest, both in regard to its origin and its subject. It was made, as we see on the titlepage, by a Cherokee Indian, and it gives a short, but somewhat remarkable account of his nation. We shall let the author speak mostly for himself.

'You here behold an *Indian*, my kindred are *Indians*, and my fathers sleeping in the wilderness grave—they too were *Indians*.

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But I am not as my fathers were—broader means and nobler influences have fallen upon me. Yet I was not born as thousands are, in a stately dome and amid the congratulations of the great, for on a little hill, in a lonely cabin, overspread by the forest oak, I first drew my breath; and in a language unknown to learned and polished nations, I learnt to lisp my fond mother's name. In after days, I have had greater advantages than most of my race; and I now stand before you delegated by my native country to seek her interest, to labor for her respectability, and by my public efforts to assist in raising her to an equal standing with other nations of the earth.

'The time has arrived when speculations and conjectures as to the practicability of civilizing the Indians must forever cease. A period is fast approaching when the stale remark, "Do what you will, an Indian will still be an Indian," must be placed no more in speech. With whatever plausibility this popular objection may have heretofore been made, every candid mind must now be sensible that it can no longer be uttered, except by those who are uninformed with respect to us, who are strongly prejudiced against us, or who are filled with vindictive feelings towards us; for the present history of the Indians, particularly of that nation to which I belong, most incontrovertibly establishes the fallacy of this remark. I am aware of the difficulties which have ever existed to Indian civilization, I do not deny the almost insurmountable obstacles which we ourselves have thrown in the way of this improvement, nor do I say that difficulties no longer remain; but facts will permit me to declare that there are none which may not easily be overcome, by strong and continued exertions. It needs not abstract reasoning to prove this position. It needs not the display of language to prove to the minds of good men, that Indians are susceptible of attainments necessary to the formation of polished society. It needs not the power of argument on the nature of man, to silence forever the remark, that "it is the purpose of the Almighty that the Indian should be exterminated." It needs only that the world should know what we have done in the few last years, to foresee what yet we may do with the assistance of our white brethren, and that of the common Parent of us all.'

pp. 3—5.

'The Cherokee nation lies within the chartered limits of the states of Georgia, Tennessee, and Alabama. Its extent, as defined by treaties, is about two hundred miles in length from East to West, and about one hundred and twenty in breadth. This country, which is supposed to contain about ten millions of acres, exhibits great varieties of surface, the most part being hilly and mountainous, affording soil of no value. The vallies, however,

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are well watered, and afford excellent land, in many parts, particularly on the large streams, that of the first quality. The climate is temperate and healthy; indeed I *would* not be guilty of exaggeration were I to say, that the advantages which this country possesses to render it salubrious, are many and superior. Those lofty and barren mountains, defying the labor and ingenuity of man, and supposed by some as placed there only to exhibit omnipotence, contribute to the healthiness and beauty of the surrounding plains, and give to us that free air and pure water which distinguish our country. These advantages, calculated to make the inhabitants healthy, vigorous, and intelligent, cannot fail to cause this country to become interesting. And there can be no doubt, that the Cherokee nation, however obscure and trifling it may now appear, will finally become, if not under its present occupants, one of the garden spots of America. And here, let me be indulged in the fond wish, that she may thus become under those who now possess her; and ever be fostered, regulated, and protected by the generous government of the United States.

'The population of the Cherokee nation increased from the year 1810 to that of 1824, two thousand, exclusive of those who emigrated in 1818 and 1819 to the west of the Mississippi; of those who reside on the Arkansas, the number is supposed to be about five thousand.

'The rise of these people in their movement towards civilization, may be traced as far back as the relinquishment of their towns; when game became incompetent to their support, by reason of the surrounding white population. They then betook themselves to the woods, commenced the opening of small clearings, and the raising of stock; still, however, following the chase. Game has since become so scarce that little dependence for subsistence can be placed upon it. They have gradually, and I could almost say, universally forsaken their ancient employment. In fact, there is not a single family in the nation, that can be said to subsist on the slender support which the wilderness would afford.' pp. 6—7.

After stating several other facts, showing the progress of the Cherokees in civilization, and the arts of life, he proceeds to say;

'There are three things of late occurrence, which must certainly place the Cherokee nation in a fair light, and act as a powerful argument in favor of Indian improvement.

'First. The invention of letters.

'Second. The translation of the New Testament into Cherokee.

'And third. The organization of a government.

'The Cherokee mode of writing, lately invented by George Guest, who could not read any language nor speak any other than

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his own, consists of eighty-six characters, principally syllabic, the combinations of which form all the words of the language. Their terms may be greatly simplified, yet they answer all the purposes of writing, and already many natives use them.

'The translation of the New Testament, together with Guest's mode of writing, has swept away that barrier which has long existed, and opened a spacious channel for the instruction of adult Cherokees. Persons of all ages and classes may now read the precepts of the Almighty in their own language. Before it is long, there will scarcely be an individual in the nation who can say, "I know not God, neither understand I what thou sayest," for all shall know him from the greatest to the least. The aged warrior, over whom has rolled three score and ten years of savage life, will grace the temple of God with his hoary head; and the little child, yet on the breast of its pious mother, shall learn to lisp its Maker's name.'

'The government, though defective in many respects, is well suited to the condition of the inhabitants. As they rise in information and refinement, changes in it must follow, until they arrive at that state of advancement, when, I trust, they will be admitted into all the privileges of the American family.

'The Cherokee nation is divided into eight districts in each of which are established courts of justice, where all disputed cases are decided by a jury, under the direction of a circuit judge, who has jurisdiction over two districts. Sheriffs and other public officers are appointed to execute the decisions of the courts, collect debts, and arrest thieves and other criminals. Appeals may be taken to the Superior Court, held annually at the seat of government. The legislative authority is vested in a general court, which consists of the national committee and council. The national committee consists of thirteen members, who are generally men of sound sense and fine talents. The national council consists of thirty-two members, beside the speaker, who act as the representatives of the people. Every bill passing these two bodies, becomes the law of the land. Clerks are appointed to do the writings, and record the proceedings of the council. The executive power is vested in two principal chiefs, who hold their office during good behaviour, and sanction all the decisions of the legislative council. Many of the laws display some degree of civilization, and establish the respectability of the nation.

'Polygamy is abolished. Female chastity and honor are protected by law. The Sabbath is respected by the council during session. Mechanics are encouraged by law. The practice of putting aged persons to death for witchcraft, is abolished, and murder has now become a *governmental* crime.' pp. 9—11.

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Our readers will agree with us, we believe, that these particulars savor a little of the marvellous, especially when considered as uttered by the voice of an Indian; yet we have no doubt of their truth. The Cherokees have written laws, and a representative government, though not, as far as we can learn, of a very republican cast. The chiefs have found little difficulty, probably, in persuading the people, that they know not how to govern themselves. Power is a strong argument, and this the chiefs had entirely in their own hands. They deserve credit, therefore, for giving up as much of it as they have done; and it may be expected, that the same spirit of concession will hereafter operate in accordance with circumstances, till a free government shall grow out of the present aristocratical system. The Cherokees exhibit a novel spectacle; but the result is not difficult to conjecture. A community of *civilized Indians* is an anomaly that never has existed, nor do we believe it ever will exist. Bring the Indians up to this mark, and you put them on a level with whites; they will then intermarry, and the smaller mass will be swallowed up by the larger; the red skin will become white, and the Indian will be remembered only as the tenant of the forests, which have likewise disappeared before the march of civilization.

9.—1. *Memoria de los Ramos del Ministerio de Relaciones Interiores y Esteriores de la Republica, leida en las Cámaras del Soberano Congreso en los dias* 9 *y* 14 *de Enero del Año* 1826.

Memoria de Marina, presentada a las Cámaras por el Secretario de Estado y del Despacho del Ramo. Mexico, 1826.

2. *Memoria, que en Cumplimiento del Articulo* 120 *de la Constitucion Federal de los Estados Unidos Mexicanos, leyó el Secretario de Estado y del Despacho universal de Justicia y Negocios Eclesiásticos, en la Cámara de Diputados el dia* 3, *y en la Senadores el dia* 4 *de Enero de* 1826, *sobre los Ramos del Ministerio de su Cargo.*
3. *Aquila Mejicana de Mayo y Junio,* 1826.
4. *Memoria del Secretario de Estado y del Despacho de la Guerra, presentada a las Cámaras en Enero de* 1826. Mexico.
5. *Memoria de Marina, presentada a las Cámaras por el Secretario de Estado y del Despacho del Ramo.* Mexico, 1826.

The ancient states of Mexico, in their new condition of civil freedom, and of national independence, are a most interesting

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subject of contemplation to the inhabitants of this country. The conquests of Cortez, like nearly all the rest of Spanish America, have ceased to be humble dependants of Spain, walled around by the narrow maxims of impolitic monopoly, with which the council of the Indies impoverished the mother country, and oppressed her colonies. Like her sister republics, too, Mexico, is pressing forward in the race of improvement, with all that speed and vigor, which liberal institutions never fail to impart. She has rejected the *central* system, which the Colombians deemed necessary for their country and alone fitted to their situation; and in imitation of us, has adopted the more auspicious form of a federal government. Lying contiguous to our territory, inviting by her position to the closest commercial intercourse with her, and professing so many political principles in harmony with ours, Mexico assuredly yields not to the other emancipated regions of the New World, in her claims upon the attention of the United States.

The official documents, enumerated at the beginning of this article, exhibit a cheering picture of the rapid advancement of these important regions to the tranquil state of well ordered government. The early promise of their independence was unpropitious; but its approach to maturity continues under every most favorable omen. The memoirs of the respective heads of department afford us the means and the opportunity of explaining, a little in detail, the public concerns of the renovated realms of Montezuma.

The condition of the army and navy of the republic as exhibited by the minister Gomez Pedraza, deserves a passing word, although these do not interest us so much as her civil institutions. Her forces are undoubtedly adequate to her defence against the exhausted resources of Spain. They actually consist of a ship of the line, a frigate, a corvette, six brigs, four schooners, and eight gunboats, for the sea; and 22,750 standing troops, and 21,577 effective militia. The surrender of the castle of St. Juan de Ulúa has left these forces no immediate offensive service to perform; and their defensive duties are chiefly precautionary. The government is making every exertion to provide means for the education of officers for both navy and army, in which they are very deficient. Vigor, discipline, and activity will be infused into their military and marine by the acquisition of Commodore Porter; and if Spain should persist in her insane obstinacy in refusing to acknowledge their independence, his bold and busy talents may yet again be signalized on the shores of Puerto Rico and Cuba. But as to this, the deliberations of the Congress of Panamá will probably determine.

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The foreign relations of Mexico are not yet in a perfectly settled state. The republic has interchanged diplomatic agents with Colombia, Great Britain, the Netherlands, and the United States. Her independence has been recognised by Prussia, also; and France, with some other powers, indicates an awkward anxiety to engage in commercial intercourse with her, without being willing to accede to fair terms. Treaties are in the course of negotiation between the republic on the one hand, and England and America on the other; but are not finally accomplished. President Victoria enters cordially into Bolivar's idea of the Congress of Panamá, from which the happiest effects are anticipated upon the reciprocal friendly feelings of all the free nations of the New World.

The relations of Mexico with Spain remain unchanged; and we apprehend will for a long while so continue. Spain is not likely to emulate the prudence of Britain in our own case, and make a virtue of necessity. Procrastinating the evil day of decision, she will sooner suffer all her possessions to be wrested from her by the revolutionary tempest, than condescend, like a ship's crew endangered at sea, wisely to abandon a part of her riches to secure the residue, and save herself. She holds good to the character given of her, centuries ago, by Sir Francis Bacon. 'The Spaniards and Spartans,' observed the philosopher, 'have been noted to be of small despatch. *Mi venga la muerte de Spagna.* Let my death come from Spain; for then it will be sure to be long a coming.' We conceive her chance of reconquering the colonies to be perfectly desperate. In May last, the Mexican legislature determined to receive no proposition from Spain or any other power, but on the basis of independence; and never to give any tribute or indemnity as the price of independence; and at the same time made it highly penal for any Mexican to recommend either, whether in public or private, verbally or in writing. And is it possible that after this they can be *persuaded* back to vassallage? Subdued they cannot be by the *force* of Spain.

The Catholic religion, our readers well know, is established by the constitution as the religion of the republic. In consequence of this, the government have despatched a minister to Rome, to endeavor to arrange its relations with the apostolic see; but the subservience of the latter to Spanish influence, renders the issue of the negotiation somewhat doubtful. It seems, that, although the Pope has professed a disposition to place himself at the head of the church in the new states, on a footing satisfactory to them, yet, not long since, he addressed a circular letter to the American ecclesiastics, urging them to rise against the

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revolutionary governments. This letter was perfectly harmless in Mexico; for, on its appearance there, the church dignitaries, with great unanimity, immediately and spontaneously signified their devoted attachment to the republic. The general direction of the church is now in the hands of the Secretary of Justice and Ecclesiastical Affairs, Miguel Ramos Arizpe; and the details are managed by a *junta* appointed by the prelates, to sit in the capital. The inconveniences arising from the want of a *concordat* with the Pope, are extreme; and will compel the Mexicans, if he continues unfriendly to the cause of freedom, to act independently of his authority, The whole number of their clergy is 3,473, of whom only 1240 are employed in the immediate cure of souls. Of nine bishoprics, six are vacant. A large portion of the republic is therefore without any regular ecclesiastical government. In our file of the *Aquila* is a long and able piece, in the form of a Supplement, maintaining with great boldness, that the patronage of the Mexican church should devolve upon the nation. In our apprehension, not only the civil liberty of the people, but their religious welfare, most urgently demands it.

Beside the *territories* belonging to it, the Mexican republic consists of nineteen confederate States. Fourteen of these have already adopted constitutions of their own, which are now successfully in operation; and the remaining five are actively engaged in the organization of their governments. Their municipal laws are as yet substantially those which existed before the revolution; and justice is still usually administered by the *alcaldes*, according to the ancient forms. Among its other multifarious cares, the federal government has been attentive to the task of establishing a proper judiciary, which is speedily to enter upon the general discharge of its functions. The political condition of the country caused robberies to be not uncommon until lately; but this evil has been diminished by subjecting the guilty to trial and punishment by law martial. The minister of justice congratulates his countrymen, that, in a population of eight millions, no extraordinary crime had occurred the past year to disturb the public tranquillity, or affect the regular execution of the laws.

The Secretary for Domestic and Foreign Relations is Sebastian Camacho. The former branch of his duty covers so wide a field, that we will not venture to undertake the examination of the many topics on which he touches, since our limits would compel us to do it so imperfectly. Suffice it to say, that they exhibit a people steadily advancing in public improvement, animated by the spirit of a regulated freedom, and content with a

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government of their choice, and a constitution of their own creation. Efforts are making for facilitating internal intercourse by roads and canals; public institutions for the purposes of education and beneficence are protected; agriculture, commerce, and domestic industry are fostered, and begin to manifest the wholesome influences of liberty; the working of the mines is encouraged; and everything, in fine, is done, which, in the present circumstances of the country, a wise and upright government can devise and accomplish, to enable the nation to enjoy the invaluable blessings of independence.

10.—*Strictures on Dr Livingston's System of Penal Laws, prepared for the State of Louisiana.* By SETH LEWIS, Judge of the Fifth District in said State. New Orleans. 1825. 8vo. pp. 67.

As we have not had an opportunity of examining Mr Livingston's Code, so far as it is now published, nor of hearing his answer to the Strictures contained in this pamphlet, it would be unjust, if not impracticable, to form a conclusive opinion against him, on the merits of the controversy. Some of the objections urged by Judge Lewis certainly present a formidable aspect; many are at least plausible; while others strike us, from his own showing, as trivial, and betraying more of captiousness than of candid criticism. There are unquestionably great difficulties in the whole system of codification. Laws, ordinarily speaking, grow up with society, and conform themselves gradually, though tardily to its changes. The demands of society, in our own country at least, it must be confessed, are somewhat in advance of legislative improvement. Rules of conduct, which were well suited to the circumstances of our ancestors, are in some cases inconvenient, perhaps injurious, in their operation upon us; and the immense labor of finding out what the law originally was, and tracing all its changes and modifications, whether by legislative enactment or judicial construction, through countless volumes of statutes and reports, foreign and domestic, down to the present time, in order to ascertain with precision what the law is, calls loudly for some system of condensation. On the other hand, the danger of unsettling the foundations of this great and goodly fabric, which has been built up by the wisdom and experience of ages, the extreme difficulty of making written rules prospectively to meet all possible cases, and the fear that change may not be amendment, beget a

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natural distrust of general codes; and it would be no disparagement to the acknowledged abilities of Mr Livingston, or of any one mind, however gigantic in its grasp, if a production of this character should fail utterly of satisfying public expectation.

Mr Livingston's plan of apportioning the punishment with a nice graduation to the moral character of offences falling under the same general title, is certainly admirable, as far as it is capable of being carried into practical operation. Approximation is of course all that can be attained; and his execution of this part of the task does not strike us as either absurd or unintelligible; although it is one of the fallacious innovations, against which Judge Lewis inveighs. Nor do we think the project of causing the people to be instructed in the provisions of a penal code, by public readings in the schools, as altogether visionary. Nothing, certainly, can be harder in its operation in many cases, than the well known maxim, *Ignorantia legis neminem excusat*, when coupled with the fact, that very slender pains are now taken to supply the means of knowledge to the great mass of the people. Another point in which we dissent wholly from Judge Lewis, is in regard to that article of the code, by which 'the distinction between a favorable and unfavorable construction of laws is abolished,' and 'all penal laws, whatever, are to be construed according to the plain import of their words, taken in their usual sense, and in connexion with the context.' However preferable it might have been to use the more technical terms, *strict* and *liberal*, applied to to the construction of statutes, rather than 'favorable' and 'unfavorable,' the substance of the rule here laid down, we have always thought the only true rule of construction upon the principles of common law and common sense. The case, which Judge Lewis cites from Blackstone, of a statute making the stealing of sheep *or other cattle*, a capital crime, is strongly in point, and so far from supporting his opinion, seems to us directly against it. What man of common sense would say, on reading this statute, that the legislature, by the words 'or other cattle,' meant absolutely nothing? Yet the judges of England held that the statute, because it was a penal statute, must be construed strictly, and that the words, *or other cattle*, were far too loose to bring any one within the penalty; although, if the same words had been used in a statute of a different character, an ox might have stood as good a chance for its protection as a sheep.

Such certainly was not the intent of the legislature; and what have judges to do with the written law but to carry it into effect, according to its plain meaning?

We find another instance of unsound criticism, according to our views, in the remarks of the learned judge on an article

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'of most pernicious tendency,' which says, 'Amendments should be permitted in all cases where neither the accused nor the public prosecutor can be surprised.' The chief ground of cavil is, that 'an amendment might so vary the charge, as to require entire new grounds of defence.' But this surely could not be occasioned by any amendment, which would not operate as a surprise to the accused. Nothing, we apprehend, would surprise a man more than to find himself, when indicted for one crime, about to be tried for another. The mischief now is, that indictments are often quashed for informalities, although the substance of the charge may be apparent enough to common minds; and then the rule, that no man's life shall be twice jeoparded for the same offence, turns an unhung felon loose to prey upon society once more.

But there are one or two serious objections to the proposed code, which are urged upon our notice with great force. We agree with Judge Lewis in thinking, that no innovation can be more pernicious than that of discarding old law terms of settled meaning, and substituting new ones, which have a meaning yet to be found; except, indeed, that of retaining the old terms with new significations attached to them. Both these errors are said to pervade the code throughout; and instances are adduced, which seem to support the charge. The warm advocates of codification, we presume, consider this, however, essential to their scheme; as it is one of their fundamental principles, that the code is to supersede and explode all existing law, and future judges are to look to nothing but the *lex scripta*, which is in itself to define every possible offence, and apportion its exact degree of punishment to each. The *theory* is sublime! Another striking fault, is the many penal provisions for securing the integrity of courts, and guarding against secret corruption; such, for example, as fining a judge in the amount of six months salary, for receiving a gift of any assignable value, from any person other than a relative. Provisions of this nature would be extremely injurious in their tendency, and destroy all public confidence in the guardians of the law. Judges should be above suspicion of crime, or their usefulness is destroyed. While the offence, which this law contemplates, is secret, no law can reach it. The moment it becomes notorious, 'the lash of public opinion,' and the danger of loss of office and hard earned reputation, are the severest punishments that can be inflicted, and of course afford the most effectual checks.

Of a similar character are those provisions which abolish 'all proceedings against offences heretofore denominated contempts,' and restrict the ability of courts to protect themselves from in-

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sult and impertinence within very narrow limits. With only such restraints the law, in times of turbulence, could never be administered, and courts would become passive instruments of the ruling faction of the day. The remarks of Judge Lewis upon these subjects, seem to us sound and powerful. Upon the whole, we would recommend this pamphlet to the attentive consideration of all advocates for new codes; with due allowances, however, for a little illiberal zeal in favor of an excellent thing, the common law, which, like the common blessings of light and air, is not always duly appreciated, because we are not constantly sensible of its effects.

11.—*El Nacional;* a political Journal commenced at Buenos Ayres December 23d, 1824, and continued weekly to the present time. 8vo.

The periodical and newspaper publications of the several South American States, are numerous; and, if we may venture to judge of their general character, from the specimens which we have perused, we should say, without reserve, that the liberty of the press is used in those states with an intelligence and discretion, which ensure, better than successful battles or constitutions and laws can do, the lasting continuance of it. There may be, and there doubtless are, instances of licentiousness, which have not reached us, and would not be well understood if they did; for it is a characteristic of scurrility and personal abuse, that they are as confined in their existence as in their aim, seldom being seen or understood far from the time and place of their production. It is an invaluable privilege, to have these moral maps on a large scale, such as newspapers and other periodical works now afford, occasionally spread before us. They enable us to judge of the political and social condition, the manners, customs, passions, and improvements of a people, almost as well at our own firesides, as we could do by dangerous voyages, painful and expensive travel, and personal observation. They introduce us at once to the business and bustle, the interests, affections, and prejudices of a community, however remote in time or place. If any one doubts this position, and calls for proofs, we would send him to a file of our own revolutionary papers; and if he does not become immediately and deeply interested in the changing scenes of '75, he cannot be an American, scarcely a man.

The *Buenos Ayres Nacional* has been the immediate cause of these reflections, and is one of the specimens from the South

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American press, from which we have received the impression already declared. In justice to the enlightened politicians and excellent classical scholars in Brazil (the contents of her journals prove that many of both exist there), we would observe, that this general opinion has not been formed without reference to the press in that country, as well as in the republics. There is no place at this time, where the press, and consequently its purity, are so important as in South America; and it is evident, that its power and importance are pretty well appreciated, from the fact, that it appears to be conducted with prudence and ability. The first citizens do not disdain the direct, extended, and prompt mode of bringing their own minds to bear on those of their fellow citizens, which the daily, the weekly, and the semiweekly journal supplies.

The following translations from an article, with which the *Nacional* commences the New Year in January last, entitled, 'A general Review of Europe and America,' for the year which had just ended, will serve to show the spirit, the sense, and the information with which our brethren of Buenos Ayres are using the inestimable privilege of a free press. The writer is speaking of Austria.

'The House which rules this empire,' says he, 'can never answer the heavy charges, which humanity can bring against it. The Emperor not only commanded his slaves to crush the kingdom of Naples, which sought a system of government adapted to the improvements of the age; not only has he stubbornly persevered in this barbarous purpose, continuing a part of the army of occupation in that kingdom, contrary to the wishes of all liberal men, and of the king of Naples himself; but he has also attempted to reassemble the Holy Alliance at Milan, that they may occupy themselves about the affairs of Greece and of America, with the same benevolent view, with which they formerly interested themselves in the affairs of Naples.

'The prince, who gives vitality to this coalition, prince Metternich, born to be a faithful attendant at all the councils of despotism, was despatched to represent Austria in that assembly; but, in this instance, he was compelled to quit the field by the outcries, which arose from the necessities and sentiments of the time. His retirement from Milan might with more propriety be called a total rout, than a quiet return from a diplomatic mission.

'The hostilities of this power toward America have never ceased. Certain remittances of *soldiers* from Francis the Second of Austria to his son in law, Don Pedro the First of Brazil, some of whom have fallen under the edge of *Oriental* steel, have aug-

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mented the desire, which before existed in this part of the world, that Austrian despotism may soon be summoned by Providence to a lasting repose.'

Under the head of *Greece*, the Review of whose affairs, for the year 1825, is the longest and most interesting of all, the writer again speaks of the policy of the House of Austria, that House which does not desire to have learned and reading subjects, as follows.

'During these transactions the cause of Greece, which was the cause of liberty, had powerful enemies in Europe itself; because the frightful system of the Holy Alliance, which was then entirely ascendant, would not admit of any modification whatsoever, not even in favor of humanity. Hence it was, that the world beheld with amazement, armaments and subsidies proceeding to the Turks from the ports of more than one Christian nation; and the House of Austria has almost taken the field with its armies, to aid in the battles, and to share the triumphs of the barbarians! Her periodical and daily presses have, with a refined malice, acted a most unworthy part with respect to Greece.'

We can never be indifferent as to what a distant, friendly, growing, and *confiding* Republic may say of ourselves. The following is a translation of that part of the Review, which speaks of the United States.

'This is the Northern Luminary, which guides the rest of the Republics in the work of liberty. As the principles, on which her government rests, do not depend upon men, but upon her excellent institutions, she is not for ever exposed to the vicissitudes and the arts of political management. Her policy has been substantially the same, from the first election of the immortal Washington, to the retirement of the venerated Monroe; and will unquestionably continue the same through the presidency of the illustrious statesman, Adams; and so on to future generations. In the month of March of the past year, the election of President took place, and the choice fell on that distinguished citizen; an election, which was the result of the most luminous discussions, and of the close scrutiny of character, with which, in that favored nation, these solemn public acts are performed. She has, during the same year, shown herself as generous as just, in paying the debt of gratitude to the celebrated Lafayette; and in concluding a treaty of amity and commerce with the Republic of Colombia. She will pursue the same policy in regard to other states, her natural allies; and, free from the engagements which fetter the nations of the old world, she tenders us a friendship, the more sincere and lasting in itself, as it is

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more pure in the source from which it emanates. She has received the ministers of America without either the compliments or the repulsive reserve, which etiquette in other countries exacts; and stationed by Providence in the vanguard of the allied Republics, she forms the rallying point for all those engaged in the great work of consolidating American liberty.'

We could proceed with pleasure to present our readers with other parts, and views of other subjects, from these papers, sure, as we are, that they would not prove uninteresting or useless; but we must, for the present, confine ourselves to the expression of our approbation of the matter and the style of the *Nacional.* For sound, practical, and comprehensive views of government, education, and social order, for good temper, and for intelligence on the subjects of which it undertakes to treat, we know of no work of the kind, at home or abroad, with which it need fear a comparison.

12.—*Coleccion de los Viages y Descubrimientos, que hicieron por Mar los Españoles desde Fines del Siglo XV; con varios Documentos inéditos concernientes á la Historia de la Marina Castellana y de los Establecimientos Españoles en Indias; coordinada é illustrada por* Don Martin Fernandez de Navarrete, de la Orden de San Juan, Secretario de S. M. &c. 2 tom. 8vo. Madrid, en la Imprenta Real. Año de 1825. De orden de S. M.

Whatever relates to the first discoveries and early history of the New World, is every day becoming an object of deeper curiosity, not more in Europe than among ourselves. The American public has already been informed of the publication of a series of papers and documents, within a few months past, at Madrid, throwing much light on the life, adventures, and discoveries of Columbus. These are contained in the volumes before us, and we find them much more valuable as affording authentic materials for history, than we had anticipated. It is necessary to premise, that the object of the author, Señor de Navarrete, is to publish an extensive work, consisting chiefly of inedited papers, gathered from the ancient archives and libraries of Spain, and designed to be a history of the discoveries made by the Spaniards in various parts of the world, beginning at the close of the fifteenth century. The two volumes now published are the first of the series, and relate exclusively to Columbus.

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To the first volume is prefixed a long Introduction, in which the author developes his plan, and gives some account of his progress. He sketches an outline of the state of nautical science in Spain, previous to the enterprises of Columbus, and then goes very fully into an examination of the writers, who have described the acts of the great navigator, particularly those who wrote or lived during his lifetime; among whom were Bernaldez, Peter Martyr, Ferdinand Columbus, Las Casas, and Oviedo. These writers have been the authorities for succeeding historians, nor does the author attempt to weaken the general confidence in them, but his criticisms are bold, candid, and discriminating. He makes it appear, that they were often led astray by their credulity or ignorance, and sometimes by less excusable causes; and although their advantages, in being contemporary with Columbus, enabled them to narrate with accuracy the more prominent events of the time, yet, as they had not access to the numerous unpublished documents, which regulated the movements and unfolded the motives of Columbus, their descriptions must consequently be in many respects imperfect and erroneous. These documents are now brought to light, collected by long research and with great labor, from libraries in different parts of the kingdom. It is more than thirty years since the inquiry for these and other manuscripts was set on foot, and it has been prosecuted with the aid of royal patronage.

The remainder of the first volume, after the Introduction, is occupied by the four voyages of Columbus, separately written, and also several original letters, to which are added other papers by way of illustration. The first voyage is an exceedingly curious document, consisting of about two hundred pages, and written in the form of a journal or diary at sea, each day being noted, and its events recorded, from the time Columbus left Spain till he returned. The manuscript was found accidentally by the author, in the archives of the Duke del Infantado, and in the handwriting of Las Casas. This writer possessed many of Columbus's original papers, which he used in composing his History of the Indies, and from these papers it is understood, that this journal was drawn up by Las Casas himself. In the margin of the manuscript there are also notes in the handwriting of Las Casas. The author speaks of another ancient copy of the journal, but not so old as this. No shadow of suspicion seems to rest on its authenticity, and it must be considered far the most remarkable and curious record in the annals of navigation.

The second voyage is from the Latin of Peter Martyr, but this, as well as the third and fourth, is written in the form of a general narrative, and not as a diary. The manuscript of the third voy-

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age was found with that of the first, and in the handwriting of Las Casas.

Two large charts are attached to these voyages, constructed by the author from what he deems the most authentic materials. The first exhibits the track of Columbus in all his voyages across the Atlantic; and the second, the courses he sailed among the West India islands, and along the main land. The whole purports to be an accurate delineation of the courses of his ship, and the points at which he touched, during his four voyages.

The most remarkable feature of these charts is the change of the place, where Columbus first discovered land. Till this work appeared, it had always been taken as a point not to be questioned, we believe, that the first land he saw was the island of St Salvador, or what the natives called Guanahani, between the parallels of 24° and 25°, and in 75° west longitude. But the author uses strong arguments to prove, that this could not have been the island first discovered, and he fixes upon the largest of the Turk's Islands, in latitude 21° 30′, and longitude 71°, being more than three hundred miles to the south east of St Salvador. He is very confident as to the accuracy of this deviation from the popular opinion, and his reasonings are forcible.

The second volume of the work is composed of official papers, called *Diplomatic Documents*, arranged in chronological order, beginning June 25th, 1474, and ending January 16th, 1515. Each paper is accompanied with its appropriate date, and a note stating the library, or archives, in which the original is deposited. They relate in various ways to the public affairs of Columbus, and, in connexion with the public documents recently published at Genoa, called *Codice Diplomatico Colombo-Americano*, (see North American Review, Vol XXI, p. 398, for Oct. 1825) they probably supply all that can be desired to present a complete view of the subject. In one of these documents, Columbus states expressly in two separate places, that he was born in Genoa; *siendo yo nacido en Genova;* and again, *en ella nací.* It is well known, that a spirited controversy has been kept up for many years in Italy, respecting the birthplace of Columbus, this honor having been claimed by several cities. A knowledge of the three words last quoted, and of the document in which they are contained, would have prevented this warm contest, and saved a vast expense of time and temper in composing, and of patience in reading, the learned disquisitions, that have been sent out on both sides of the question.

As we intend hereafter to spread the contents of these very curious volumes more at large before our readers, we shall forbear saying more at present. We hope they will be translated,

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and given to the public in our vernacular tongue. It is a tribute, which every American, whatever language he may speak, owes to the great name of Columbus, to preserve and cherish everything that tends to impress more deeply on the memory the testimony of his great deeds and character, and to kindle the warmest veneration and gratitude, which, after all, are but feeble returns for the perils he encountered, and the sacrifices, sufferings, and mortification he endured, in discovering a new world, and laying the foundation of future empires. If we estimate greatness by the consequences of a man's conceptions and acts, and by the virtuous means employed in attaining extraordinary ends, the name of Columbus stands out on the list of fame, alone, unapproached, and unapproachable. There was but one new world to discover, and the exploits of an Alexander, a Cæsar, a Bonaparte, fade away into insignificance, when compared with the sublime picture of Columbus, crossing the trackless ocean in search of a world unknown, but which his superior genius had told him must exist; and when compared with his struggles against the tide of fortune, the jealousy of powerful rivals, and the perfidy of kings, in establishing the conquests of his enterprise and talents. And if we look at results, all the efforts of all that have been called great, are but a feather in the balance against the train of consequences, that has flowed, and will continue to flow, from the discoveries of Columbus. It is, therefore, peculiarly proper, that these papers should be translated and published in America.

A rumor has gone abroad, that our distinguished countryman, Washington Irving, is engaged in the task at Madrid, but we have the best authority for stating, that this is not the fact. We believe he had it in contemplation, and went to Spain partly for this purpose, but at length relinquished the project, as not altogether in accordance with his former habits of thought and study. We trust he is employed in compositions which will demand more from his own resources, and that his name will continue to shine, as heretofore, with its own lustre. Other writers may translate with elegance and accuracy, but to whom shall we look, except to the author himself, for a continuation of the 'Sketch Book?' Let these interesting documents be translated and published here. It is a proper object for the enterprise of any individual, or even the patronage of government. They certainly pertain as much to us as to Spain, and yet they have been printed in Madrid, not only with the approbation of the king, but at his royal press, and on his account. We should be mortified to have it directly stated, that we do less as a nation for the cause of letters, and our own history, than the government of Spain, whose liberality and literary propensities we are not in the habit of extolling.

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Here is a case, however, in which it would be a wise, a liberal, and generous course to follow in the steps of Ferdinand.

Señor de Navarrete intends continuing his work with despatch. The third volume will contain documents relating to discoveries in Florida, and on the main land round the Gulf of Mexico; and the fourth will be devoted to the conquests of Cortes. He will then proceed in course to the expeditions to La Plata, the Straits of Magellan, Chili, Peru, and California, to the discoveries in the South Sea, and to the Molucca and Philippine Islands; thus embracing the whole compass of Spanish discoveries by sea, during the last three hundred years.

We shall translate here a remarkable statement, which the author introduces as a note in his first volume, and in which the invention of the steam boat is ascribed to a Spaniard nearly three hundred years ago. The account is as follows.

'Blasco de Garay, a sea captain, exhibited to the emperor and king, Charles the Fifth, in the year 1543, an engine by which ships and vessels of the larger size could be propelled, even in a calm, without the aid of oars or sails.

'Notwithstanding the opposition which this project encountered, the emperor resolved, that an experiment should be made, as in fact it was with success, in the harbor of Barcelona, on the seventeenth of June, 1543.

'Garay never publicly exposed the construction of his engine, but it was observed at the time of the experiment that it consisted of a large caldron or vessel of boiling water, and a moveable wheel attached to each side of the ship.

'The experiment was made on a ship of two hundred tons, arrived from Colibre to discharge a cargo of wheat at Barcelona; it was called the Trinity, and the captain's name was Peter de Scarza.

'By order of Charles the Fifth, and the prince, Philip the Second, his son, there were present at the time, Henry de Toledo, the governor Peter Cardona, the treasurer Ravago, the Vice Chancellor Francis Gralla, and many other persons of rank, both Castillians and Catalonians; and among others, several sea captains witnessed the operation, some in the vessel, and others on the shore.

'The emperor and prince, and others with them, applauded the engine, and especially the expertness with which the ship could be tacked. The treasurer, Ravago, an enemy to the project, said it would move two leagues in three hours. It was very complicated and expensive, and exposed to the constant danger of bursting the boiler. The other commissioners affirmed that the vessel could be tacked twice as quick as a galley, served by the

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common method, and that at its slowest rate it would move a league in an hour.

'The exhibition being finished, Garay took from the ship his engine, and having deposited the woodwork in the arsenal of Barcelona, kept the rest himself.

'Notwithstanding the difficulties and opposition thrown in the way by Ravago, the invention was approved, and if the expedition, in which Charles the Fifth was then engaged, had not failed, it would undoubtedly have been favored by him. As it was, he raised Garay to a higher station, gave him a sum of money (200,000 maravedies) as a present, ordered all the expenses of the experiment to be paid out of the general treasury, and conferred upon him other rewards.

'Such are the facts collected from the original registers, preserved in the royal archives at Samáncas, among the public papers of Catalonia, and those of the secretary at war, for the year 1543.'

This statement was communicated to the author in a letter from *Thomas Gonzalez*, dated at Samáncas, the twentyseventh of August, 1825; and it would appear, that he had recently consulted the public records to which he refers.

A Review of the 'Diplomacy of the United States,' and also one of the 'Life of Theobald Wolfe Tone,' we are obliged to defer.

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QUARTERLY LIST OF NEW PUBLICATIONS.

ARTS, SCIENCES, &c.

A Geometric System for the Measurement of the Area of a Circle, or any of its Sectors. By Edwin W. Jackson. New Brunswick. 8vo.

Reports of William Strickland, Esq. Engineer, Agent for the "Pennsylvania Society for the Promotion of Internal Improvement," on a Tour through Great Britain, in 1825. Philadelphia.

A Manual of Chemistry, on the basis of Professor Brande's, containing the principal Facts of the Science, arranged in the Order in which they are discussed and illustrated in the Lectures at Harvard University, New England. Compiled from the works of Brande, Henry, Berzelius, and others. By John W. Webster, M. D. Boston. 8vo. pp. 603.

A Manual of Mineralogy and Geology, designed for the Use of Schools, &c. By Ebenezer Emmons, M. D. Adopted as a Text Book in the Rensselaer School, Albany.

Conversations on Natural Philosophy, in which the Elements of that Science are familiarly explained. Illustrated with Plates. By the Author of Conversations on Chemistry, &c. With Corrections and Improvements, appropriate Questions, and a Glossary, by Dr Thomas P. Jones.

BIOGRAPHY.

Memoirs of the Rev. Thomas Baldwin, D. D. late Pastor of the Second Baptist Church in Boston, who died at Waterville, Maine, August 29, 1825. Together with a Funeral Sermon, occasioned by his Death, by the Rev. Daniel Chessman, Hallowell, Maine. Boston.

The Life of George Washington, Commander in Chief of the American Army, through the Revolutionary War; and the first President of the United States. By Aaron Bancroft, D. D. 2d edition. Boston. 2 vols. 18mo.

The History of Pirates; containing the Lives of those noted Pirates, Captains Misson, Bowen, Kidd, Tew, &c. and a correct Account of the late Piracies committed in the West Indies. Haverhill, Mass. 12mo. pp. 276.

EDUCATION.

The American Definition Spelling Book. By Abner Kneeland. Concord, N. H. 12mo.

Cubi's Spanish Grammar. Third Edition. Baltimore. 12mo.

Le Traducteur Français; or, a New and Practical System for Trans-

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lating the French Language. By Mariano Cubi y Soler. Baltimore. 12mo. pp. 392.

Mr Cubi has formed this work nearly on the plan of his *Traductor Espanol*, which we noticed on a former occasion. It contains a selection of short and appropriate pieces from the best French writers, with notes in English explaining such words and phrases, as throw difficulties in the pupil's way. The object is to present the greatest possible facilities to beginners, in the study of the French language. The verbs are designated by being printed in italics, and an attempt is made in the margin to render the French idioms accurately into English. The author also endeavors to assist pronunciation by writing the French words with letters retaining the English sounds. We have some doubts of the success of this plan, as we do not believe any tolerable accuracy of pronunciation can be communicated, except by the living voice. *Experientia docet*, and Mr Cubi's judgment must be better than ours. By arranging his Vocabulary in a strictly alphabetical order, we are convinced he has improved on that of his Traductor Espanol.

The Accountant's Assistant, or Complete Interest Tables. By Almon Ticknor.

Primary Lessons in Arithmetic. By Frederic Emerson. Boston. 18mo. pp. 31.

An Analytical Guide to the Art of Penmanship; in which the correct Principles of the Round and Running Hands are systematized and simplified. By Enoch Noyes. Boston.

The Greek Lexicon of Schrevelius, translated into English, with many Additions. Boston. 8vo. pp. 896.

This elaborate work, for which the public has so long been looking, and latterly with some degree of impatience, has at length appeared, and is finished in a manner which we cannot doubt will fully answer the high expectations, that were excited by a knowledge of the source in which it was understood to originate. We have not room now to add one remark of our own, but hope on a future occasion to do justice to so honorable and useful a literary enterprise. Meantime, two or three brief extracts from the preface will afford some hints, in regard to the character and purpose of this Lexicon.

'The basis of the work is *Schrevelius's* well known Lexicon; which, on the whole, in the present state of Greek studies in this country, was thought preferable to any other manual adapted to *the use of schools*.

'That work has been long in general use in England, and has passed through numerous editions in that as well as other parts of Europe.'

'In the execution of their task the Editors have not contented themselves with being translators of Schrevelius's Latin interpretations, which are often ambiguous and unsatisfactory; but they have, to the best of their ability, rendered the English explanations from the original Greek. It will be at once perceived, that the significations given are more copious than the Latin ones of Schrevelius. This has been occasioned partly by the difficulty of always finding single English words, which would correspond to the Greek so exactly as many of the Latin terms do; but principally from a desire to obviate the embarassment arising from the ambiguity of the general terms used in the Latin, by substituting for them English significations less general and of course more precise. It has been the intention of the Editors, that the work should comprehend all the words which are to be found in Professor Dalzel's Collectanea Majora and Minora, Jacobs's Greek Reader, and the other books now studied in our schools and other seminaries of learning; but, notwithstanding the pains taken in this respect, they dare not flatter themselves with having accomplished it. Any omissions of this kind, however, may be supplied in a future edition.'

'In the progress of the work almost all the Lexicons extant have been occasionally consulted; those which have been most frequently resorted to are Hedericus, Planche's excellent *Dictionnaire Grec-François*, and Schneider's admirable *Griechisch-Deutsches Worterbuch;* and, for Scriptural words, the highly valuable edition of Wahl's *Lexicon to the New Testament*, by Mr Robinson, of the Theo-

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logical Institution at Andover. The learned Lexicon of Dr Jones was not received, until so much progress had been made in the present work as to prevent much use of it; and, just before the last sheets were printed off, a copy of the London translation of Schrevelius reached this country; which, till the Editors had looked into it, made them regret that they had not sooner met with it. A slight examination, however, made it apparent, that although it contained many additional words, yet it was a hurried performance, upon which it would not have been safe to rely.'

American Popular Lessons, chiefly selected from the Writings of Mrs Barbauld, Miss Edgeworth, and other approved authors. Eigth Edition. New York. 18mo.

A New Method of Book-keeping, accompanied by a Key. Second Edition. By T. Irvine Hitchcock.

Intellectual Arithmetic, upon the Inductive Method of Instruction. By Warren Colburn, A. M. Boston. 18mo. pp. 172.

Lights of Education, or Mr Hope and his Family; a Narrative for Young Persons. By a Lady. Second Edition. Baltimore. 18mo. pp. 179. A second volume of this work is in press.

Walker's Critical Pronouncing Dictionary and Expositor of the English Language. Abridged for the Use of Schools. Boston. 18mo.

Publius Virgilius Maro. Bucolica, Georgica, et Æneis. Accedunt Clavis Metrica, Notulæ Anglicæ, et Quæstiones, nec non Index Vocabulorum uberrima. Curâ B. A. Gould. In Usum Scholæ Bostoniensis. Bostoniæ. 8vo. pp. 809.

The Second Book, or Reading Lessons for Primary Schools. Boston. 18mo. pp. 142.

A Just Standard for Pronouncing the English Language. By Lyman Cobb. Revised Edition. Ithaca, N. Y. 12mo. pp. 168.

Juvenile Philosopher; or, Youth's Manual of Philosophy. In Four Parts. Second revised Edition. Geneva, N. Y. 18mo. pp. 372.

The American Instructer. Second Book. Designed for the Common Schools in America. By Hall J. Kelly, A. M. Second Edition. Boston. 12mo. pp. 168.

Geography; or, a Description of the World. In three Parts. Accompanied with an Atlas. To which is added, an easy Method of constructing Maps, illustrated by Plates, for the Use of Schools and Academies. By Daniel Adams, A. M. Ninth Edition. Boston. 12mo. pp. 323.

HISTORY.

A Chronological History of New England, in the form of Annals; being a summary and exact Account of the most material Transactions and Occurrences relating to this Country, in the Order of Time wherein they happened, from the Discovery of Capt. Gosnold, in 1602, to the Arrival of Gov. Belcher, in 1730. With an Introduction, containing a brief Epitome of the most considerable Transactions and Events abroad. From the Creation. By Thomas Prince, M. A. Boston. 8vo. pp. 439.

Annals of the Town of Keene, from the First Settlement, 1736, to the Year 1790. By Salma Hale. Concord, N. H. 8vo. pp. 69.

History of the State of New York. By Joseph W. Moulton. Part II. New York. 8vo. pp. 95.

Memoirs of the Historical Society of Pennsylvania. Philadelphia. 8vo. pp. 208.

A Sketch of the First Settlement of the several Towns on or in

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Long Island, with their Political Condition to the End of the American Revolution. By Silas Wood. Revised Edition.

LAW.

The Interesting Trial of William F. Hooe, for the Murder of William Simpson; with the Speeches of the Counsel upon the Occasion, &c. New York.

Hammond's Reports. Vol. II. Part I.

The Justice's Guide, or Directory for the Justices of Peace in the State of New York. By a Gentleman of the Bar. Price $1,50.

The Opinion of the Circuit Court of the United States, Eastern District, of Virginia, pronounced by Marshall, Chief Justice, in the celebrated case of Garnett, Ex. of Brooke *v.* Macon. Richmond.

The American Pleader, or Lawyer's Guide. By William Waller Henning, Counsellor at Law. Vol. II. Price $6, calf. Richmond.

The Rules of the Court of Common Pleas, revised by order of Judge Irving. New York.

MATHEMATICS.

An Experimental Treatise on Optics, comprehending the leading Principles of the Science, and an Explanation of the more important and curious Optical Instruments and Optical Phenomena; being the Third Part of a Course of Natural Philosophy, compiled for the Use of the Students in the University of Cambridge, New England. By John Farrar, Professor of Mathematics and Natural Philosophy. Cambridge. 8vo. pp. 349.

MECHANICS.

Evans's Millwright's Guide. A new and improved Edition. With Plates. 8vo.

MEDICINE.

The Medical Formulary; being a Collection of Prescriptions, derived from the Writings and Practice of many of the most eminent Physicians in America and England. To which is added, an Appendix, &c. By Benjamin Ellis, M. D. Philadelphia. 8vo. pp. 108.

The Importance of the Sciences of Anatomy and Physiology as a Branch of General Education; being an Introduction to a course of Lectures to the Upper Classes in Brown University. By Usher Parsons, M. D. Cambridge. 8vo. pp. 32.

Memoir on the Topography, Weather, and Diseases of the Bahama Islands. By P. S. Townsend, M. D.

MISCELLANEOUS.

The American Masonic Register, or Ladies' and Gentlemen's Magazine. By Luther Pratt. Price $1.

A View of the Conduct of the Executive of Virginia, in relation to the Execution of the Act of the 7th of January, 1826, making provision for furnishing the Magistrates of this Commonwealth with 'Henning's Virginia Justice.' By William Waller Henning. Richmond.

Massachusetts Domestic Missionary Society. The Eighth Annual Report of the Board of Directors, read and accepted at the Annual Meeting, held in Fitchburg, June 29, 1826. Boston. 8vo. pp. 28.

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An Account of the Salt Springs at Salina, in Onondaga County, State of New York. With a Chemical Examination of the Water and of several Varieties of Salt, manufactured at Salina and Syracuse. By Lewis C. Beck, M. D. New York.

A Catalogue of the Officers, Teachers, and Graduates of Transylvania University, Lexington, Kentucky. pp. 16.

The following is a historical sketch of Transylvania University, printed as an *introduction to this Catalogue.*

'In 1780, the legislature of Virginia appropriated 8000 acres of land for a public school in the County of Kentucky. In 1783, the word *County* was changed for *District*, and the school was denominated TRANSYLVANIA SEMINARY. There were twenty-five Trustees, a majority of whom were necessary to form a quorum to do business. This Seminary had all the rights and privileges of a University. An appropriation of 20,000 acres of land was made for its use, and the professors and students were freed from military duty. The President and five of the Trustees were required to sign the diplomas. A small library and philosophical apparatus were given by the Rev. John Todd of Virginia. The first master was the Rev. James Mitchell, who entered upon the duties of his office in 1785. The Seminary was fixed at Lexington in 1788, and 640 acres of land were given to it. In 1791, there were but five scholars in it, under the care of Isaac Wilson. Kentucky was made a State on the 1st of June, 1792. The Rev. James Moore was elected the first President of the Seminary in 1793. In 1794, the KENTUCKY ACADEMY was instituted with eighteen Trustees. Of this Academy, the Rev. Andrew Steel, A. B. was the first tutor. In December, 1798, the Kentucky Academy was united to the Transylvania Seminary, and the name of TRANSYLVANIA UNIVERSITY was adopted. In 1818, the legislature of the State, not pleased with its condition, reorganized the institution, and the Rev. Horace Holley was placed at the head of it. At that time, a new and beautiful edifice was completed, and a regular collegiate form was given to the establishment. Three Faculties, Academical, Medical, and Legal, have since furnished instruction to an average number of 350 students annually. The number for the session now closed is 418.'

The Western Harmonic Companion; containing most of the Tunes used in Divine Worship in the Western Country, &c. Lexington, Ky.

Notions on Religion and Politics. By the Puritan Club. Boston. 8vo. pp. 69.

Observations on the Growth of the Mind. By Sampson Reed. Boston. 8vo. pp. 44.

The Prize Book, No. VI., of the Public Latin School in Boston. Boston. 8vo. pp. 31.

Pride's Looking Glass; or, God's Revenge against Extravagance exemplified in a Number of the most Remarkable Cases ever Recorded; chiefly collected in the United States. By M. L. Weems. Augusta, Geo. Price 50 Cents.

Pittsburg in the year eighteen hundred and twenty-six, containing Sketches Topographical, Historical, and Statistical; together with a Directory of the City, and a View of its various Manufactures, Population, Improvements, &c. By S. Jones. Pittsburg. 12mo. pp. 152.

Rudiments of the Spanish Language, carefully arranged, revised, and accented, for the use of Schools, and as a Manual for Travellers. By F. Sales, Instructer in French and Spanish in Harvard University. Boston. 18mo. pp. 144.

The contents of this little volume are arranged under the following heads; 1st, the alphabet and spelling lessons; 2d, a Vocabulary of the most common words in use; 3d, an abridgment of the grammar; 4th, Familiar Lessons; 5th, easy lessons for reading, with literal interlineary translations. This is a very judicious

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compend, particularly suited to young children, in whom memory is the chief faculty to be exercised. As the title states, it will also be serviceable to travellers as a vocabulary of common words; and the extreme care bestowed in marking the accents will make it useful in guiding all persons learning the language to a ready and correct pronunciation. In the preface the following account is given of the work.

'The Editor of *Josse's Spanish Grammar* and Compiler of Spanish Extracts, under the title of *Colmena Espanola*, the publication of which has been received so favorably, having been repeatedly solicited by friends and teachers to arrange a more simple method to convey easily the necessary elements of that noble tongue to children, preparatory to the study of the more elaborate and extensive works above expressed, has the pleasure to announce that he has been able to comply with that flattering request, and now ventures to publish a small volume which, it is hoped, will answer that desirable purpose.'

Mr Sales's long experience, as a successful teacher, is as good a pledge as can be desired of the merits of this performance.

The Philadelphia Souvenir; or, a Collection of Fugitive Pieces from the Philadelphia Press. With Biographical and Explanatory Notes. By J. E. Hall. Philadelphia. 18mo. pp. 212.

Proceedings of a Meeting of the Friends of Civil and Religious Liberty, residing in the District of Columbia, assembled at the City Hall, Washington City, on the 20th of June, 1826.

A Memoir of the French Protestants, who settled at Oxford, in Massachusetts, A. D. 1686; with a Sketch of the entire History of the Protestants of France. By Abiel Holmes, D. D. Cambridge. 8vo. pp. 83.

Enciclica del Papa Leon XII, en Auxilio del Tirano de España Firnando VII; con una Disertacion en Sentido opuesto; por Felix Megia. Philadelphia. 12mo. pp. 64.

The author of this treatise has taken upon himself a somewhat singular task, to be performed in this country, that of proving the Pope to have no power in political and civil matters. It must be remembered, however, that the book was written particularly for South Americans, and that the Pope two or three years ago undertook to counsel the people of the south, through their archbishops and bishops, respecting their political rights and duties, thereby abetting, as would appear from the above title, the tyranny of Ferdinand. Mr Megia thinks it incumbent on him to resist such pretensions in the Bishop of Rome, and show that he acts without authority, and in violation of the rights of the people. After introducing the Pope's circular letter at length, he proceeds to discuss the following topics;

1. Concerning the limits of the Pope's authority in the exercise of his spiritual power; and the use of this same power, in regard to its influence on the sovereignty and independence of nations.
2. The authority of the Pope, compared with that of other Bishops.
3. The right of nations to establish their own government.

The two first subjects lead the author back into remote times, even to the age of Moses and Joshua; from which he comes down to the Savior and Apostles; and lastly to the Fathers, and the spiritual men of the middle ages. The last topic he despatches without much ceremony, and insists that all people have a right to govern themselves in their own way, and that neither popes nor kings have any thing to do in the matter, farther than is indicated by the voice of these same people. In short, Mr Megia takes the true republican ground, and sustains it manfully. We will translate a paragraph from his recapitulation.

'I have proved that the authority of the Roman Pontiff is purely spiritual, and cannot in any way influence the sovereignty and independence of nations; that the agency which the present Pope pretends to exercise over the sovereignty and independence of the people of America is abusive, illegal, unjust, and contrary to the precepts of our Savior and his Apostles, as contained in the sacred Scriptures: I have indicated some of the excesses of power, of which the Popes have been guilty, and have made it manifest, that the episcopal jurisdiction of the Pope ought

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not to extend beyond the diocess of Rome, and that this jurisdiction is the same in all respects as that held by other bishops in their diocesses. I have exposed the usurpation of the Pope over these bishops, and the cause which produced it; and have, in short, presented reasons the most convincing why all people ought to be persuaded, that they are authorized, by natural and divine right, to choose such a form of government as they believe will contribute most to the preservation of their rights and their happiness.'

A Letter to the Hon. Isaac Parker, Chief Justice of the Supreme Court of the State of Massachusetts, containing Remarks on the Dislocation of the Hip Joint, occasioned by the Publication of a Trial which took place at Machias, in the State of Maine, June, 1824. By John C. Warren, M. D. Cambridge. 8vo. pp. 142.

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Laws regulating the Duties in the Republic of Colombia, and also for establishing certain Posts of Deposit, &c.

First Annual Report of the Board of Managers of the Prison Discipline Society, Boston, June 2, 1826. Boston. 8vo. pp. 88.

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The chief value of the work consists in the accurate views it presents of the state of the theory and practice of Physic and Surgery at a period of the Roman Empire when the arts and sciences were at their highest elevation. A translation of this work was published in London in 1759, by Grieve, of which there are not more than one or two copies to be found in New England, and copies of the Latin edition are rarely to be met with.

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